

OK Federal Register

Thursday
April 7, 1983

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Environmental Protection Agency

Bridges

Coast Guard

Customs Duties and Inspection

Customs Service

Electric Power

Federal Energy Regulatory Commission

Endangered and Threatened Wildlife

Fish and Wildlife Service

Marine Mammals

National Oceanic and Atmospheric Administration

Marine Safety

Coast Guard

Marketing Agreements

Agricultural Marketing Service

Price Support Program

Commodity Credit Corporation

Privacy

Justice Department

Railroad Safety

Research and Special Programs Administration

Veterans

Veterans Administration



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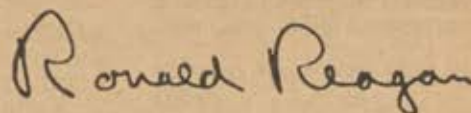
Title 3—

Executive Order 12415 of April 5, 1983

The President

Extension of the Presidential Commission on Drunk Driving

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure the continuation of efforts to assist the States in the fight against drunk driving, it is hereby ordered that Section 4(b) of Executive Order No. 12358, as amended, is amended to read as follows: "The Commission shall terminate on December 31, 1983."



THE WHITE HOUSE,

April 5, 1983.

[FR Doc. 83-9318

Filed 4-6-83; 10:43 am]

Billing code 3195-01-M

Editorial Note: For the President's statement of Apr. 5, 1983, on signing EO 12415, see the *Weekly Compilation of Presidential Documents* [vol. 19, no. 14].

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Rules and Regulations

Federal Register

Vol. 48, No. 68

Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 573]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 8-April 14, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel

oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on April 4, 1983 at Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is slower.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of subjects in 7 CFR 907: Agricultural Marketing Service, Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

1. Section 907.873 is added as follows:

§ 907.873 Navel orange regulation 573.

The quantities of navel oranges grown in California and Arizona which may be handled during the period April 8, 1983 through April 14, 1983, are established as follows:

- (1) District 1: 1,700,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 6, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 83-9339 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 917

Fresh Pears, Plums, and Peaches Grown in California; Nomination of Pear Commodity Committee Members

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action reallocates the membership on the Pear Commodity Committee and re-groups districts (for purposes of representation) within the production area. The changes reflect the relative quantity of pears shipped from the respective representation areas.

DATE: This rule becomes effective April 7, 1983.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of fresh California pears for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 917, regulating the handling of fresh pears, plums, and peaches grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Pear Commodity Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Under this order, the production area is divided into districts for purposes of representation on the committee. The number of members from each district and the grouping of the districts are based, insofar as practicable, upon the proportionate quantity of pears shipped from the respective districts during the preceding three fiscal years.

This action increases the number of nominees for membership on the Pear Commodity Committee from the Lake District from four to five nominees; and in the Mendocino and North Bay Districts from one to two nominees. The Placer-Colfax and El Dorado Districts are combined and will have one nominee. The number of nominees from the Sacramento River, Stockton, Stanislaus, Contra Costa, Santa Clara and Solano Districts is reduced from four to three.

Section 917.121 of Subpart—Rules and Regulations (7 CFR Part 917, §§ 917.100—917.179) sets forth the allocation of the membership among the districts for the Pear Commodity Committee. This action, pursuant to § 917.35(g) of the order, amends § 917.121 to allocate the membership on the basis of fresh pear shipments in the preceding three fiscal periods (1980–1982).

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because the allocation is prescribed by the order and is based upon shipments of fresh pears in a prior period, thus, no purpose would be served by delaying the effective date of this action.

List of Subjects in 7 CFR Part 917

Marketing Agreements and Orders, California, Pears.

PART 917—[AMENDED]

Therefore, paragraphs (b) through (f) of § 917.121 are revised to read as follows:

§ 917.121 Changes in nomination of Pear Commodity Committee members.

(b) Sacramento River District, Stockton District, Stanislaus District, Contra Costa District, Santa Clara District and Solano District, three nominees.

(c) Placer-Colfax District and El Dorado District, one nominee.

(d) Lake District, five nominees.

(e) Mendocino District and North Bay District, two nominees.

(f) All of the production area not included in paragraphs (a) through (e) of this section, one nominee.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 4, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division
Agricultural Marketing Service.

[FR Doc. 83-9151 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1434

Honey Price Support Regulations Governing 1982 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to revise the Honey Price Support Regulations Governing 1982 and Subsequent Crops to: (1) Provide that steel drums which are used for the storage of honey pledged as collateral for a CCC loan or covered by a CCC purchase agreement, may be filled no closer than 2 inches from the top of the drum; (2) add two ineligible floral sources to the list of ineligible floral sources; (3) provide that honey which has been scorched, burned, or subjected to excessive heat is ineligible for price support; (4) provide that honey stored in a steel drum that has a tare weight of less than 42 pounds is ineligible for price support regardless of whether it meets other eligibility requirements; and (5) provide for the assessment of interest charges explained in supplement for unsettled loans.

EFFECTIVE DATE: April 7, 1983.

Comments must be received on or before June 6, 1983, in order to be assured of consideration.

ADDRESSES: Interested persons should submit comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, 202-447-7987. A copy of the Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." The provisions of this rule will

not result in: (1) An annual effect on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this interim rule applies, are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

Since producers of 1983-crop honey will be eligible to obtain price support loans and enter into purchase agreements with CCC with respect to their honey beginning April 1, 1983, it is essential that these producers be informed of any changes in the terms and conditions of the 1983 program as soon as possible.

Accordingly, it has been determined that the changes made by this interim rule shall become effective April 7, 1983. However, comments with respect to this rule are requested and should be submitted on or before June 6, 1983, in order to be assured of consideration. This interim rule will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the *Federal Register* as soon as possible.

The current regulations governing the honey price support program require that 55 gallon drums, which are used to store honey pledged as collateral for a price support loan or covered by a purchase agreement, be filled up to, but no closer than, 4 inches from the top of the drum. The purpose of this requirement was necessary to protect the collateral during storage should the quantity of honey in the drum expand due to heating. However, it has now been determined that 2 inches of empty space in a drum will adequately protect the honey if there is some expansion as the result of heating. In addition, requiring only 2 inches of empty space will also permit producers to utilize more of the container's storage capacity. Accordingly, this interim rule provides that drums which are used to store

honey which is pledged as collateral for a CCC loan or covered by a CCC purchase agreement may not be filled with honey closer than 2 inches from the top of any such drum.

The quality of the honey that has been scorched, burned, or subjected to excessive heat, has been impaired and therefore, the value has been reduced. Therefore, this rule provides that honey that has been scorched, burned, or exposed to excessive heat is ineligible for price support.

Prior regulations provided that honey loan carrot floral source was ineligible for price support, but the current regulations inadvertently omitted carrot from the list of ineligible floral sources. Spurge (leafy spurge) has also been determined to be an ineligible floral source. Therefore, this interim rule includes carrot and spurge (leafy spurge) in the list of ineligible floral sources.

The current regulations provide that the official tare weight for 55 gallon containers of honey delivered to CCC is 53 pounds unless the producer can provide a lesser tare weight. This interim rule provides that CCC will not accept honey stored in a 55 gallon container with a tare weight of less than 42 pounds. This change in the regulations is based on container requirements that are acceptable to the honey industry and are compatible with CCC container requirements for storing other commodities. A tare weight of not less than 42 pounds is considered a reasonable tare weight for a 55 gallon container.

Section 1434.18 of the current regulations provides that loans shall bear interest at the rate announced in a separate notice published in the *Federal Register*. However, if any price support loan is not repaid to CCC by the producer when due and payable, the provisions of 7 CFR Part 1403 shall be applicable with respect to any such unpaid amount. This interim rule provides that the interest rate assessed with respect to unsettled loans shall be the same as the rate which is assessed by CCC with respect to delinquent debts in accordance with 7 CFR 1403.5. Such interest will be assessed until the loan is settled beginning on the date immediately following the loan maturity date or the original required settlement date with regard to loans which have been called.

List of Subjects in 7 CFR Part 1434

Honey price support programs.

Interim Rule

PART 1434—[AMENDED]

Accordingly, 7 CFR Part 1434 is amended as follows:

1. The authority citations to Part 1434 read as follows:

Authority: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); Sec. 5, 62 Stat. 1072 (15 U.S.C. 714c); Secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

2. Section 1434.7 is amended by revising paragraph (c)(2) to read as follows.

§ 1434.7 Eligible honey.

(c) *Containers.* * * *

(2) Steel drums. Steel drums must be open-end type and filled no closer than 2 inches from the top of the drums. In addition, such drums must be new or must be used drums which have been reconditioned inside and outside. They must be clean, treated to prevent rusting, and fitted with gaskets which provide a tight seal.

3. Section 1434.8 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 1434.8 Ineligible honey.

(a) *Floral source.* Honey from the following floral sources is not eligible for price support regardless of whether it meets other eligibility requirements: Andromeda, bitterweed, broomweed, cajuput (melaleuca), carrot, chinquapin, dog fennel, desert hollyhock, gumweed, mescal, onion, prickly pear, prune, queen's delight, rabbit brush, snowbrush (ceanothus), snow-on-the-mountain, spurge (leafy spurge), tarweed, and similar objectionably-flavored honey or blends of honey as determined by the Director, Cotton, Grain, and Rice Price Support Division, ASCS. If any blends of honey contain such ineligible honey, the lot as a whole shall be considered ineligible for loan or delivery for purchase.

(c) *Containers.* Honey which is stored: (1) in steel drums having a tare weight less than 42 pounds or having removable liners of polyethylene or other materials, (2) in bung-type drums, or (3) in bulk tanks, is not eligible for price support regardless of whether it meets other eligibility requirements.

(d) *Heat damage.* Honey which has been scorched, burned, or subjected to excessive heat resulting in objectionable flavor, color deterioration or caramelization shall be ineligible for price support.

4. Section 1434.16 is amended by revising paragraph (b)(1) to read as follows:

§ 1434.16 Determination of quantity.

(b) *At time of acquisition—(1) Farm storage.* The quantity of honey acquired by CCC as the result of a loan forfeiture or pursuant to a purchase agreement shall be determined by weighing the honey delivered under the direction of the State committee. The quantity of honey acquired in 5-gallon cans shall be determined by using a tare weight of 2.5 pounds for each can. The quantity of honey acquired in 55-gallon drums shall be determined by using a tare weight of 53 pounds for each drum unless the producer can provide evidence of a lesser tare weight. However, the tare weight of the drum shall not be less than 42 pounds. Title to the containers shall vest in CCC.

5. Section 1434.17 is amended by revising paragraph (a)(1) to read as follows:

§ 1434.17 Determination of quality.

(a) *Quality for loan—(1) Farm storage.* Loans on farm-stored honey will be made on the basis of the floral source, color, and class (table or nontable) of the honey as declared and certified by the producer on the Farm Storage Worksheet at the time the honey is placed under loan. Before loans are disbursed, the moisture content of honey offered for loan shall be determined by a representative of CCC on the basis of samples drawn by a representative of the county committee.

6. Section 1434.18 is revised to read as follows:

§ 1434.18 Interest rate.

(a) Except as provided in paragraph (b), price support loans for honey shall bear interest at the rate announced in a notice which is published in the *Federal Register*.

(b) Price support loans which have not been repaid by the maturity date or the original required settlement date for called loans shall bear interest at the same rate which is assessed by CCC with respect to late payment charges on delinquent debts in accordance with 7 CFR Section 1403.5. Such interest will be assessed until the loan is settled beginning on the date immediately following the loan maturity date or the original required settlement date of called loans, whichever is applicable.

Signed at Washington, D.C. on April 1, 1983.

Everett Rank,
Executive Vice President, Commodity Credit
Corporation.

[FR Doc. 83-9140 Filed 4-6-83; 9:45 am]

BILLING CODE 3410-05-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy

Correction

In FR Doc. 83-4692, appearing at pages 8716-8755, in the issue of March 1, 1983, make the following changes:

1. On page 8716, second column, under the heading "B. Discussion of major Substantive issues", in the 3rd line, the word "customer", should read "customers", also, in the 23rd line, "a" should appear immediately after the word "of".

2. On page 8719, in footnote 16, line 14, a comma should appear after "... See also In re Twist Cap, Inc.".

3. On page 8723, in footnote 39, "11 U.D.C. 764(b)", should read "11 U.S.C. 764(b)". In the middle column, line 34, reference to footnote "41", should be to footnote "42".

4. On page 8724, first column, line 24, the word "to" should appear immediately after "§ 190.10(d)".

5. On page 8725, first column, line 16, the last word should read "satisfy". Also, on this page in the second column, 12 lines from the bottom, "§ 190.0.2(b)(3)" should read "§ 190.02(b)(3)".

6. On page 8726, first column, the 11th line from the bottom, the word "commodity", should be capitalized.

7. On page 8727, first column, 15 lines from the top, the last word should be "involving".

8. On page 8729, middle column, in the 3rd line just above the mathematical equation, the word "to" should be "and".

9. On page 8730, 3rd column, the first word in the 21st line now reading "and", should read "an".

10. On page 8731, in the first column, 29 lines from the bottom, the last word reading "not" should read "no". In the second column, the 11th line should read "out of the making or taking of delivery in". In the third column, the second full paragraph, the 12th line, the word "dos" should be "does". In the third column, the 3rd full paragraph, the 3rd line should read "made to § 190.05 at the request of the".

11. On page 8732, third column, in the first line of the second full paragraph, "make" should be "makes".

12. On page 8735, in footnote 105, "§ 190.07(a)" should read "§ 190.03(a)".

13. On page 8736, first column, under the heading "Valuation of Leverage Contracts", in the second line, "§ 190.07(d)(2)(iv)" should read "§ 190.07(e)(2)(iv)". Also, in the second column, 12 lines from the bottom, "(11 U.S.C. 761(1)(A)(ii))" should read "(11 U.S.C. 761(10)(A)(ii))".

14. On page 8737, in the second column, in line 23, the word "against" should appear just after "applied". In the third column, 31 lines from the bottom, "§ 190.19(d)" should read "§ 190.10(d)".

15. On page 8738, first column, 7 lines from the bottom, "where", should be "were".

16. On page 8739, first column, in the second line from the bottom, a period should follow the word "Supp". In the middle column, the table of contents, Part 190, Subpart C in the entry for "Bankruptcy Appendix Form 4", "claims" should read "claim". In the third, paragraph (c), the term "Bankruptcy Code" should be enclosed in quotations.

17. On page 8440, first column, paragraph (x)(1), second line, "valve" should read "value". In the second column, paragraph (hh), "Public customers" should read "Public customer". In the last line of the second column, the first word should be "Registered".

18. On page 8745, 3rd column, 8 lines from the bottom, replace the comma with a period.

19. On page 8748, first column, in paragraph (c)(1)(i), 16 lines from the top, the word "seccion", should read "section". Also, in paragraph (c)(1)(ii), the first word now reading "The" should read "Then".

20. On page 8749, third column, in paragraph (c)(2), the last word in the 4th line should be "recovered".

21. On page 8753, in the middle column, 7 lines from the bottom, the word "exchange-trade" should be "exchange-traded".

22. On page 8754, first column, in the 38th line from the bottom, the first word should be "trades". Also, on this page in the middle column, in the 21st line from the bottom, the colon should be a semicolon.

BILLING CODE 1505-01-M

17 CFR Part 190

Bankruptcy Provisions; Deferral of Effective Date and Correction of Technical Errors

AGENCY: Commodity Futures Trading Commission.

ACTION: Deferral of effective date and correction of certain technical errors in final bankruptcy rules.

SUMMARY: On March 1, 1983, the Federal Register published the Commission's new Part 190 which contains rules implementing the Bankruptcy Reform Act of 1978 insofar as that Act pertains to the liquidation of commodity brokers. (48 FR 8716-8755). This release is to defer the effective date until June 30, 1983, of two of those rules which require commodity brokers to make certain disclosures to customers and obtain customer responses thereto. The Commission is similarly extending the effective date of a third rule, already deferred until May 31, 1983, which requires contract markets to adopt certain rules concerning deliveries on behalf of customers of a debtor. The purpose of the deferrals is to give commodity brokers sufficient time to comply with these provisions. In addition, certain technical errors and omissions contained in the Part 190 rules and the accompanying preamble are being corrected at this time.

DATES: Effective as of April 7, 1983, §§ 190.05(b), 190.06(d) and 190.10(c) are deferred until June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Suzanne Ryder, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commission has determined to defer the effective date of Rules 190.06(d) and 190.10(c) until June 30, 1983. (48 FR at 8745, 8751, respectively).¹ This action is

¹ Rule 190.06(d) (1) requires futures commission merchants ("FCMs") to solicit instructions from each customer when undertaking its first hedging contract as to whether such customer prefers, in the event of that FCM's bankruptcy, that the customer's open commodity contracts held in a hedging account, if any, be liquidated without further instruction from the customer. (As provided in the Federal Register § 190.06(d) (1) incorrectly refers to "commodity brokers" instead of FCMs. This error is corrected by this release, *infra*.) In addition, Rule 190.06(d)(2) requires the FCM to indicate in the accounting records in which it maintains open trade balances any such customer account which are hedging accounts for which the customer has not

taken to give commodity brokers sufficient time to print, distribute, and obtain the acknowledgment required by Rule 190.10(c), and in the case of Rule 190.06(d), to solicit customer instructions and make the necessary adjustments to their accounting records, and to list or otherwise record the responses as required. Moreover, by deferring the effective date of these provisions for ninety days, the distributions to customers may, in some cases, be included in other mailings being sent to customers, depending upon the timing of those mailings. The Commission has similarly determined to defer the effective date of Rule 190.05(b) until June 30, 1983 to ensure that contract markets will have adequate time to comply with the rulemaking requirements of that provision.²

In addition to postponing the effective date of these three rules, the Commission is also taking this opportunity to correct certain errors and omissions in its Part 190 rules. Accordingly, the following corrections should be made to 48 FR 8716-55:

(1) On page 8719, in the third column, in the second complete paragraph, in the seventh and eighth lines, "broker-securities dealer" should be corrected to read "broker/securities broker/dealer."

(2) On page 8720, in the first column, in the second paragraph, in the twenty-second and twenty-third lines, "broker-securities dealer" should be corrected to read "broker/securities broker-dealer."

(3) On page 8721, in the first column, footnote 23, in the third line, "(17) net" should be corrected to read "(17) net."

(4) On page 8724, in the second column, in the first paragraph, in the third line, "\$ 190.02(a)(2)" should be corrected to read "\$ 190.02(a)(2)."

(5) On page 8730, in the third column, in the first paragraph, in the first full sentence which reads "The Commission understands that some contract markets already provide that delivery on the commodity underlying the contract not take place through the broker" should be corrected to read "The Commission understands that in some cases, delivery

on the commodity underlying the contract does not take place through the clearing organization."

(6) On page 8734, in the third column, in the first full paragraph, in the eighth line, "liquidation," should be corrected to read "liquidation date."

(7) On page 8737, in the first column, in the first paragraph, in the eleventh line, "nonexempt" should be corrected to read "exempt."

(8) On page 8739, in the first column, in the paragraph of text, in the third line, "act" should be corrected to read "Act."

(9) Also on page 8739, in the second column, in the first paragraph, in the seventeenth line, "objective" should be corrected to read "objectives."

(10) On page 8740, in the third column, in § 190.01(kk)(3), in the ninth line, "filing date" should be corrected to read "entry of the order for relief."

(11) On page 8740 and 8741, in the third and first columns, respectively, in §§ 190.01(kk)(4) and 190.01(kk)(5), in the second line in each provision, "bankruptcy" should be corrected to read "the entry of the order for relief."

(12) On page 8745, in the second column, in § 190.06(d)(1), in the second and third lines, "A commodity broker" should be corrected to read "Each futures commission merchant."

(13) Also on page 8745, in the second column, in § 190.06(e)(1)(i), in the third line, "partnership," should be corrected to read "partnership;"

(14) On page 8747, in the first column, in § 190.07(b)(2)(viii), in the fourth line, "and foreign futures accounts" should be corrected to read "foreign futures accounts and delivery accounts."

(15) On page 8751, in the third column, in the Appendix 1, in item 2, b, in the second line, "DSRO" should be corrected to read "clearing organization."

(16) On page 8752, in the second column, in item 3 of the provision entitled "Seventh Business Day After the Entry of an Order for Relief," in the fourth line, "(§ 190.03(a)(2))" should be corrected to read "(§ 190.03(a)(2))."

(17) On page 8755, following the line which reads "U.S.C. § 152," a new paragraph should be added to read "OMB Control No.: 3038-0021."

Issued in Washington, D.C. on March 30, 1983.

Jean A. Webb,
Deputy Secretary of the Commission.

[FR Doc. 83-8278 Filed 4-6-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1982 and Estimated Tax for the Taxable Year 1983

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule; proclamation.

SUMMARY: This proclamation announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson Milner, Office of Tax Analysis, U.S. Treasury Department, Washington, D.C. 20220 (202-566-2705), not a toll free call.

SUPPLEMENTARY INFORMATION: This proclamation, issued each year by the Secretary of the Treasury, announces the percentage to be used to compute the income tax liability of foreign corporations carrying on life insurance business in the United States.

Proclamation

For purposes of computing the 1982 income tax of foreign corporations carrying on a life insurance business, a percentage of 17.4 shall be used in determining the "minimum figure" under section 819. The same percentage shall be used for purposes of computing the estimated tax and the installment payments of estimated tax for the taxable year 1983. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1983 which results solely from the use of this percentage.

This proclamation is issued without notice and public procedure because the public cannot effectively participate in the determination of the percentage. It is computed from information contained in the income tax returns that are not open to the public. The proclamation was not published prior to its effective date because the percentage is computed on the basis of data which was not then available.

John E. Chapoton,
Assistant Secretary (Tax Policy).
March 18, 1983.

[FR Doc. 83-8091 Filed 4-6-83; 8:45 am]

BILLING CODE 4810-25-M

² specified that it prefers that its open contracts be liquidated in bankruptcy without instruction.

Rule 190.10(c) prescribes a risk disclosure statement which all commodity brokers must furnish to customers who post non-cash margin. ("Commodity broker" is defined in Rule 190.01(f), 48 FR at 8739.) The commodity broker is also required to obtain a signed and dated acknowledgment from any such customers before the broker can accept such property as margin.

³ Rule 190.05(b) in general requires contract markets to adopt rules which permit delivery in fulfillment of certain futures contracts for a physical commodity or options on a physical commodity to be effected outside the estate of a debtor.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

(CGD 11-12-83)

Establishment of Special Local Regulations for the "Newport to Ensenada Yacht Race"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Newport to Ensenada Yacht Race, an ocean racing and cruising type sailboat race in Newport Beach, to be held on 23 April 1983 near the Newport Jetty. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 23 April 1983 and terminate on 25 April 1983.

FOR FURTHER INFORMATION CONTACT: LT N. M. Turner, Commander (bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are LT Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and LT Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

SPECIAL LOCAL REGULATION

Discussion of Regulations

Newport Ocean Sailing Association's "Newport to Ensenada Yacht Race" will be conducted in Newport Beach beginning April 23, 1983, starting near Newport Jetty. This event will have 800 24- to 85-foot ocean racing and cruising type sailboats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation

These regulations have been reviewed under the provisions of Executive Order

12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35-11-1112 to read as follows:

§ 100.35-11-1112 Newport Ocean Sailing Association/Newport to Ensenada Yacht Race.

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 11:30 AM to 2:00 PM on 23 April 1983, for the start of subject race, bounded by the following coordinates:

33°35.3' N	117°53.3' W
33°34.9' N	117°53.3' W
33°34.9' N	117°54.5' W
33°35.3' N	117°54.5' W

(b) *Special Local Regulations:*

(1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the event area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: March 30, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

(FR Doc. 83-9136 Filed 4-6-83; 8:45 am)

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 3

Allowance in Lieu of Government-Furnished Headstone or Marker

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has increased the monetary allowance payable in lieu of a Government-furnished headstone or marker from \$63 to \$67. The need for this action resulted from the fact that the actual cost of a Government-furnished headstone or marker increased from \$63 to \$67. The effect of this action is to permit payment of up to \$67 in lieu of a Government-furnished headstone or marker.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: C. A. Wheeler, 202 389-3005.

SUPPLEMENTARY INFORMATION: On pages 56880 and 56881 of the Federal Register of December 21, 1982, the Veterans Administration published a proposed amendment to 38 CFR 3.1612. Interested persons were given until January 21, 1983, to submit comments, suggestions, or objections to the proposed amendment to § 3.1612.

We received no comments, suggestions, or objections to the proposed amendment of § 3.1612. The amendment is adopted as proposed.

The Administrator hereby certifies that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this regulation affects individual claimants only. Pursuant to 5 U.S.C. 601(b), this regulation is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Veterans Administration has determined in accordance with Executive Order 12291 that this regulation is nonmajor because it simply implements statutory requirements and would have little or no economic impact in itself.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Catalog of Federal Domestic Assistance Program number is 64.101.

Approved: March 22, 1983.

By direction of the Administrator.
Everett Alvarez, Jr.,
Deputy Administrator.

PART 3—ADJUDICATION

The VA is amending 38 CFR Part 3 as follows:

In § 3.1612, paragraph (e)(2)(ii) is revised as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

(e) *Payment and amount of the allowance.*

(2) The amount of the allowance payable is the lesser of the following:

(ii) The average actual cost, as determined by the Veterans Administration, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1981 (October 1, 1980 through September 30, 1981) is \$63 and \$67 for fiscal year 1982 (October 1, 1981 through September 30, 1982).

[FR Doc. 83-0143 Filed 4-6-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62024C; TSH FRL 2341-6]

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Incorporations by Reference Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; correction.

SUMMARY: This document corrects a final rule on the incorporations by reference for polychlorinated biphenyls (PCBs) that appeared in the Federal Register of February 8, 1983 (48 FR 5729). Inadvertently, the language used restricted "batch testing" for PCBs to transformers only. This provision, under 40 CFR 761.60(g)(1)(ii), was amended in the Federal Register of August 25, 1982 (47 FR 37342) to allow "batch testing" of all electrical equipment including transformers. Today's action restores the language of 40 CFR 761.60(g)(1)(ii) to that of the August 25, 1982 amendment.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460. Toll free: (800-424-9065); in Washington, D.C.: (554-

1404); outside the USA: (Operator—202-554-1404).

Dated: March, 29, 1983.

Don R. Clay,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

PART 761—[AMENDED]

Accordingly, 40 CFR 761.60(g)(1) is corrected by revising paragraph (ii) to read as follows:

§ 761.60 Disposal requirements.

(g) * * *
(1) * * *

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration. Except, That if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of the Subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

[FR Doc. 83-0079 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, and 196

[CGD 82-069]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This Final Rule amends the casualty reporting requirements by eliminating from these requirements the consideration of certain costs associated with the repair of a vessel sustaining damage as the result of a marine casualty. The costs of salvage, cleaning, gas freeing and drydocking are no longer to be included in the estimation of the damage costs resulting from a marine casualty. This Final Rule will reduce the number of reports submitted while still

providing the Coast Guard with sufficient marine casualty information to allow it to fulfill its statutory obligation.

DATES: Effective May 9, 1983.

FOR FURTHER INFORMATION CONTACT: Lt. C. V. Mosebach, Office of Merchant Marine Safety (G-MMI-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593; (202) 426-1455, 7:00 to 3:30 Monday through Friday.

SUPPLEMENTARY INFORMATION: On August 16, 1982 [47 FR 35533], the Coast Guard published a Notice of Proposed Rulemaking (NPRM) (CGD-82-069) concerning eliminating the costs of salvage, cleaning, gas freeing and drydocking from the casualty reporting requirements. As a result of this NPRM, 5 comments were received all of which expressed complete support for this amendment. Two of the commenters also recommended that the existing \$25,000 reporting threshold, which became effective on January 1, 1981, be adjusted to reflect escalating repair costs. In addition, both commenters suggested that future adjustments be accomplished by either a routine annual or biennial amendment or through the use of an inflation factor. Since this final rule provides a significant reduction in the costs to be included when determining the damage costs (i.e. the elimination of the costs of salvage, cleaning, gas freeing and drydocking), the Coast Guard does not intend to adjust the \$25,000 reporting threshold at this time. However, the impact of inflation on the reporting threshold will be monitored and if an adjustment is warranted these recommendations will be given further consideration.

Regulatory Analysis

This revision has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). The only impact of this change is to reduce the number of reports submitted by an estimated 5 percent. This will reduce the compliance cost to the public from \$128,620 to \$122,200, a savings of \$6,420. Therefore, in accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

Energy/Environmental Impact

It has been determined that there will be no impact on the environment or upon energy use as a result of this revision.

Authority: 46 U.S.C. 239, 46 U.S.C. 375, 33 U.S.C. 361, 49 U.S.C. 1655(b)(1), and 43 U.S.C. 1348.

List of Subjects**46 CFR Part 4**

Administrative practice and procedure, Investigations, Marine Safety, Accidents, National Transportation Safety Board, Reporting and recordkeeping requirements;

46 CFR Part 26

Marine Safety, Penalties, Reporting and recordkeeping requirements, Uninspected vessels, Navigation (water), Passenger vessels, Fishing vessels, Tow boats;

46 CFR Part 35

Hazardous materials transportation, Marine Safety, Tank vessels, Barges;

46 CFR Part 78

Marine Safety, Passenger vessels, Penalties, Reporting and recordkeeping requirements, Navigation (water);

46 CFR Part 97

Cargo vessels, marine safety, reporting and recordkeeping requirements;

46 CFR Part 109

Reporting and recordkeeping requirements, Vessels, Outer Continental Shelf, Marine Safety, Accidents;

46 CFR Part 167

Fire prevention, Reporting and recordkeeping requirements, Marine Safety, Nautical school ships;

46 CFR Part 185

Marine Safety, Small passenger vessels, Reporting and recordkeeping requirements, Navigation (waters);

46 CFR Part 196

Marine Safety, Oceanographic vessels, Reporting and recordkeeping requirements.

In consideration of the foregoing, Title 46, Code of Federal Regulations is amended as follows:

PART 4—MARINE INVESTIGATION REGULATIONS

1. By revising § 4.05-1(f) as follows:

§ 4.05-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 26—OPERATIONS (UNINSPECTED VESSELS)

2. By revising § 26.08-1(f) as follows:

§ 26.08-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 35—OPERATIONS (TANK VESSELS)

3. By revising § 35.15-1(a)(6) as follows:

§ 35.15-1 Notice of casualty and voyage records.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 78—OPERATIONS (PASSENGER VESSELS)

4. By revising § 78.07-1(a)(6) as follows:

§ 78.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 97—OPERATIONS (CARGO AND MISCELLANEOUS VESSELS)

5. By revising § 97.07-1(a)(6) as follows:

§ 97.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 109—OPERATIONS (MOBILE OFFSHORE DRILLING UNITS)

6. By revising § 109.411(a)(6) as follows:

§ 109.411 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

7. By revising § 167.65-65(a)(6) as follows:

§ 167.65-65 Notice of marine casualty and voyage records.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 185—OPERATIONS (SMALL PASSENGER VESSELS)

8. By revising § 185.15(f) as follows:

§ 185.15-1 Notice of marine casualty.

(f) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

PART 196—OPERATIONS (OCEANOGRAPHIC VESSELS)

9. By revising § 196.07-1(a)(6) as follows:

§ 196.07-1 Notice of marine casualty.

(a) * * *

(6) An occurrence not meeting any of the above criteria but resulting in damage to property in excess of \$25,000. Damage cost includes the cost of labor and material to restore the property to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, gas freeing, drydocking or demurrage.

(Sec. 10, 18 Stat. 128 (33 U.S.C. 361); R.S. 4450, as amended (46 U.S.C. 239); R.S. 4405 (46 U.S.C. 375); 80 Stat. 938 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b); 92 Stat. 655 (43 U.S.C. 1348))

Clyde T. Lusk, Jr.,
Rear Admiral, U.S. Coast Guard, Chief, Office
of Merchant Marine Safety.

March 7, 1983.

[PR Doc. 83-9137 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-179]

Organization and Delegation of Powers and Duties; Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects a delegation to the General Counsel which inadvertently displaced the delegation to the General Counsel regarding tort claims in the Office of the Secretary.

DATE: The effective date of this amendment is June 7, 1982.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C-50, Department of Transportation, Washington, DC (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental

management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the Federal Register.

In the Federal Register of June 7, 1982 (47 FR 24581), DOT published Amendment 1-171, which delegated to the General Counsel the authority to conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act. DOT intended that this authority appear as paragraph (o) of 49 CFR 1.57; it was mistakenly made paragraph (n), thereby displacing from the Code of Federal Regulations the then-existing delegation in paragraph (n) relating to tort claims arising from the activities of the Office of the Secretary. It was never intended in any way to affect the tort claim delegation; consequently, this amendment assigns the correct paragraph letters. The effective date for this change is the same date on which the incorrectly-lettered delegation which caused the problem took effect.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies), Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, § 1.57 of Part 1 of Title 49, Code of Federal Regulations, is amended by revising paragraphs (n) and (o), to read as follows:

§ 1.57 Delegations to General Counsel.

The General Counsel is delegated authority to:

(n) Consider, ascertain, adjust, determine, compromise, and settle for an amount not exceeding \$25,000, any tort claim arising from the activities of any employee of the Office of the Secretary. Request the approval of the Attorney General for any such award, compromise, or settlement in excess of \$25,000 (28 U.S.C. 2672).

(o) Conduct coordination with foreign governments under section 118 of the Deep Seabed Hard Mineral Resources Act (June 21, 1980).

Authority: 49 U.S.C. 322; 49 CFR 1.57(1).
Issued in Washington, DC, on March 30, 1983.

Rosalind A. Knapp,
Acting General Counsel.

[PR Doc. 83-9020 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 173, 177, and 178

Carriers and Shippers Concerning Continuing Qualification of Cargo Tanks—83-1

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration Department of Transportation.

ACTION: Rule related notice.

SUMMARY: The purpose of this notice is to enhance safe transportation of hazardous materials in cargo tanks by emphasizing to operators of cargo tanks, marked as meeting DOT specifications as an indication they are authorized for transportation of hazardous materials, that, as a condition for their continued use, the cargo tanks must conform to the specifications under which they were manufactured. This notice also contains statements applicable to shippers who offer hazardous materials for transportation in cargo tanks.

FOR FURTHER INFORMATION CONTACT: Lee E. Metcalfe, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590; (202) 426-2075.

SUMMARY: Paragraph (b) of § 173.33 of the Department's Hazardous Materials Regulations (HMR, 49 CFR, Parts 171-179), specifies that qualification of a cargo tank as an authorized container includes compliance with applicable specifications (as listed) plus current compliance with the retest provisions of § 177.824. Applicable specifications means the specification in effect on the date a cargo tank was identified as a specification cargo tank by attachment of its metal certification plate and a manufacturer's certificate executed as required by the specification.

New construction of cargo tanks under certain specifications has not been authorized for a number of years. Most notable was the prohibition of new construction under seven specifications on September 1, 1967. However, a cargo tank constructed under one of those specifications may be continued in use if it conforms to its applicable specification.

Paragraph (h)(i) of § 177.824 reads as follows:

Withdrawal of certification. If, as the result of an accident or for any other reason a cargo tank no longer meets the applicable specification, the carrier shall remove the metal certification plate or make it illegible * * *. The details of the conditions

necessitating withdrawal of the certification must be recorded and signed on the written certificate for that cargo tank. The vehicle owner shall retain the certificate for at least one year after withdrawal of the certification.

If for any reason a cargo tank does not meet the applicable specification under which it was constructed, its specification plate must be removed or rendered illegible thereby removing its certification as a specification cargo tank. The practical consequence of removal of the certification is the fact that the tank ceases to be identified and qualified as a packaging for those hazardous materials that are required to be transported in a specification cargo tank. It must be noted that required removal of the certification is not determined by whether a hazardous material is to be transported in the cargo tank; therefore, those persons in possession of a cargo tank, who are under the jurisdiction of the HMTA and the HMR, must remove the certification when the cargo tank ceases to be in compliance, regardless of the nature of the commodity carried therein. Section 105(c) of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1804(c)) provides that a container may not be represented, by marking or otherwise, as qualified for use in the transportation of hazardous materials unless it meets "the requirements of all applicable regulations * * *." Consequently, non-compliance with § 177.824(h)(1) (by failing to remove the certification) constitutes a misrepresentation under the HMTA and a violation of section 105(c) of the Act.

Determination of current compliance with a specification requires continuing reference to the specification in effect when the cargo tank was constructed. For example, the section in effect for the MC 310 cargo tank was § 178.330 until September 1, 1967. This section, unless modified by a provision in § 173.33 which addresses continuing qualification, maintenance and use of cargo tanks, is the section that must be followed in determining if a specification MC 310 cargo tank may be continued in service as evidenced by display of an MC 310 specification identification plate.

For purposes of illustration, the MC 310 specification contains a number of requirements such as those pertaining to closures for manholes, outlets, protection of fittings, shear sections, minimum thickness of metal, and linings. Concerning the lining requirements, which are essentially the same for the MC 311 and MC 312 specifications, we have the impression that some carriers believe these override (preclude) specification requirements

pertaining to minimum thickness. This is not the case. Paragraph (b) of § 178.330 of the MC 310 specification contains the basic requirements for linings and paragraph (c) the conditions under which tanks need not be lined. As a matter of practicability, paragraph (c) only proved beneficial when a purchaser placed an order for a cargo tank for specific products having known corrosive or noncorrosive effects on the materials of construction. The provision in paragraph (b) pertaining to 10 years of normal service without reduction in thickness below the minimum thickness specified for a cargo tank does not mean a cargo tank may be used continuously in the same service beyond 10 years or, more importantly, for any particular duration. It serves as a means whereby a manufacturer could certify a tank without lining when specified by a customer. This provision does not negate the minimum thickness requirement which is an essential function in determining the continuing qualification of a cargo tank as an authorized packaging. For example, if an MC 310 cargo tank has a capacity of 2000 gallons, its minimum thickness may be no less than $\frac{1}{8}$ inch. If the tank is less than $\frac{1}{8}$ inch thick at any point, e.g., as a result of internal or external corrosion, it may no longer be marked "MC 310" on its identification plate, nor may it be used as a specification cargo tank under the HMR.

Section 178.330-6(a) of the MC 310 specification, as well as requirements pertaining to other specifications, specifies that all joints between manhole covers and their seats shall be tight against leakage of vapor and liquid (§ 178.341-3 of the MC 306 specification requires a secure closure, the intent of which is the same as the more specifically stated requirements of other specifications). The Materials Transportation Bureau (MTB) and the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) are concerned that some operators of cargo tanks, and shippers who load or participate in or supervise the loading of cargo tanks, are not paying serious attention to compliance with these requirements. Put simply, if a cargo tank does not conform to the specification requirements applicable to it, it may not be identified or used as a specification cargo tank.

Section 173.22(a)(3)(ii) provides for arrangements between carriers and shippers for the communication of information pertaining to identification of specification cargo tanks. Although this provision is particularly reasonable with regard to determining conformance with basic design requirements, it could

also be construed to grant a shipper total relief from any responsibility relative to the condition of a cargo tank, even when it is loaded by or under supervision of the shipper. BMCS and MTB do not take this view.

Section 173.24 reads, in part, as follows:

(a) Each package used for shipping hazardous materials under this subchapter shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation—

- (1) There will be no significant release of the hazardous materials to the environment;
- (2) The effectiveness of the packaging will not be substantially reduced; and * * *

Under these provisions, a shipper may be held accountable for failure to make a reasonable determination that specification deficiencies, e.g., loose dome covers and faulty gaskets, of which the shipper has knowledge, were corrected before or at the time a cargo tank was loaded. Further, it is under this section that BMCS and MTB take the view that a shipper has substantial responsibility for assessing the compatibility of its products with the materials of construction of a cargo tank. For example, it is well recognized that the corrosion rate on certain steels is rapidly accelerated when sulfuric acid is loaded at elevated temperatures. Beyond a basic determination that a cargo tank meets specification requirements, a shipper has a responsibility to ascertain that its actions will not result in a violation of the above quoted regulation. An illustration of this view, based on the results of an accident in Castaic, California on November 5, 1981, is contained in a notice entitled "Prohibition: Propylene Dichloride in Aluminum Packagings" published in the Federal Register on March 25, 1982 (47 FR 12911).

In conclusion, it is recommended that a positive and continuing determination be made that each cargo tank marked with a DOT specification identification meets the requirements of that specification. If not, its metal identification plate must be removed or rendered illegible. Shippers should examine their operating practices relative to the offering of hazardous materials for transportation in cargo tanks to be assured of their compliance with the HMR.

Copies of the specifications that are no longer printed in the present edition of the HMR may be obtained for \$13.00 from National Tank Truck Carriers, Inc., 1616 P St., NW., Washington, D.C. 20036. The specifications are included in their document entitled "Cargo Tank

Hazardous Materials Regulations." A recommended standard for performing wall thickness measurements of cargo tanks by ultrasonic examination may be found in ASTM E 797-81, "Standard Practice for Measuring Thickness by Manual Ultrasonic Pulse-Echo Contact Method" (See 49 CFR 171.7(b)(6) for address).

In addition to matters raised in this notice concerning the present regulations pertaining to cargo tanks, the Governor of New Jersey has petitioned for changes to the HMR addressing maintenance and use of cargo tanks. His request was prompted by an accident involving a cargo tank transporting hydrochloric acid on the New Jersey Turnpike which "broke open and spilled its entire load." The Governor's requested changes are presently under consideration along with other proposals that address design and maintenance of cargo tanks.

(49 U.S.C. 1804(c) and 1808(d)(3); 49 CFR 1.53(e))

Issued in Washington, D.C. on March 31, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-9236 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 351

[Docket No. 30310-37]

Whaling; Amendments to Schedule of the International Convention for Regulation of Whaling

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Final rule.

SUMMARY: Section 916k of the Whaling Convention Act, 16 U.S.C. 916 et seq., requires that the Secretary of Commerce publish the Schedule of the International Convention for the Regulation of Whaling, 1946, in the Federal Register, so that the Schedule will "become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations" * * *. This final rule publishes the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling as required even though 50 CFR Part 351 (except as provided for in § 351.36) relates to commercial whaling which is currently

proscribed for all persons and vessels subject to the jurisdiction of the United States. Subsistence whaling by United States citizens is the subject of a periodic rulemaking published in 50 CFR Part 230.

EFFECTIVE DATE: These amendments to the Schedule were effective with respect to the United States on February 3, 1983. This final rule becomes effective on publication.

FOR FURTHER INFORMATION CONTACT:

Dean Swanson, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, D.C. 20235, Telephone—(202) 634-1792.

SUPPLEMENTARY INFORMATION: At its 34th Annual Meeting held in Brighton, England, July 19-24, 1982, the International Whaling Commission (IWC) adopted amendments to the Schedule establishing a cessation of commercial whaling to take effect from the beginning of the 1985-86 pelagic and 1986 coastal whaling seasons, an aboriginal subsistence whaling management procedure to take effect from the beginning of the 1984 whaling season, and catch limits for the 1982-83 pelagic and 1983 coastal whaling seasons.

Notification of amendments to the Schedule was made by the Secretary to the IWC on August 6, 1982, and clarification to the notice was made on September 2, 1982. By terms of the Convention, the amendments become effective at the end of a 90 day objection period except for any to which one or more Contracting Governments file objection. If any amendment is the subject of an objection, it becomes effective with respect to all Contracting Governments that have not objected at the conclusion of a second 90 day objection period or 30 days after the last objection is filed, whichever is later.

At the conclusion of the initial objection period on November 4, 1982, three new Schedule amendments had been the subject of objection: that establishing a catch limit for the Peruvian stock of Bryde's whales, that establishing a catch limit for the Eastern South Pacific stock of Bryde's whales, and that establishing the cessation of commercial whaling. When the second objection period expired on February 2, 1983, no additional objections had been filed. The United States did not object to these or any other Schedule amendments. This publication incorporates all amendments to the Schedule that were or became binding on the United States as of February 3, 1983.

Regulations under the Whaling Convention Act relating to the 1983 harvest of bowhead whales by Alaskan Natives will be published at a later date and will appear in 50 CFR Part 230.

16 U.S.C. 916k requires the Secretary to promulgate IWC Schedule amendments. These amendments result from a process in which NOAA provided ample opportunity for public comment in the development of the United States position for the most recent IWC meeting. Because of the perfunctory nature of this publication and in view of the public's participation in preparing for the IWC meeting that produced the subject Schedule amendments, I for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. Also, this promulgation is exempt from the NEPA environmental document requirements pursuant to Section 6(c)(3) of the revised NOAA Directive (NDM 02-10; 45 FR 49312-49321) implementing NEPA because it constitutes a programmatic function with no potential for significant environmental impact.

The Administrator has reviewed this final rule in accordance with the specifications of Executive Order 12291, "Federal Regulation," and the Departmental guidelines implementing that Order and determined that it has no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

The Administrator has certified that this rule will not have a significant economic impact on a substantial number of small entities because it would regulate activities that are otherwise prohibited with the exception of aboriginal subsistence whaling allowed under 50 CFR Part 351.36. This exception will be the subject of a separate rulemaking to be published in 50 CFR Part 230. Accordingly, no regulatory flexibility analysis is required. Finally, this action does not increase the Federal paperwork burden for agencies, individuals, small businesses, or other persons. Therefore, the Paperwork Reduction Act of 1980 does not apply.

List of Subjects in 50 CFR Part 351

Whales, Marine mammals, Conservation/management.

Date: March 28, 1983.

Carmen J. Blondin,
Acting Deputy Assistant Administrator for Fisheries Resource Management.

PART 351—WHALING

For reasons set down in the preamble, Part 351 of Title 50, Code of Federal Regulations, is amended as set forth below.

1. The authority citation for Part 351 as follows:

Authority: Article 5, 62 Stat. 1718, Sec. 2-14; 64 Stat. 421-425; 16 U.S.C. 916 et seq.

2. By revising § 351.30 to read as follows:

§ 351.30 Humane killing.

The killing for commercial purposes of whales, except minke whales, using the cold grenade harpoon shall be forbidden from the beginning of the 1980/81 pelagic and 1981 coastal seasons. The killing for commercial purposes of minke whales using the cold grenade harpoon shall be forbidden from the beginning of the 1982/83 pelagic and the 1983 coastal seasons.

3. By revising § 351.33(d) to read as follows:

§ 351.33 Classification of areas and divisions.

* * *

(d) *Geographical boundaries in the North Pacific.* The geographical boundaries for sperm, Bryde's and minke whale stocks in the North Pacific are:

Sperm Whale Stocks**Western Division**

West of a line from the ice-edge south along the 180° meridian of longitude to 180°, 50° N., then east along the 50° N. parallel of latitude to 160° W., 50° N., then south along the 160° W. meridian of longitude to 160° W., 40° N., then east along the 40° N. parallel of latitude to 150° W., 40° N., then south along the 150° W. meridian of longitude to the equator.

Eastern Division

East of the line described above.

Bryde's Whale Stocks**East China Sea**

West of the Ryuku Island chain.

Western

West of 160° W., excluding the East China Sea stock area.

Eastern

East of 160° W., excluding the Peruvian stock area.

Minke Whale Stocks**Sea of Japan—Yellow Sea—East China Sea**

West of a line through the Philippine Islands, Taiwan, Ryuku Islands, Kyushu, Honshu, Hokkaido, and Sakhalin Island, north of the equator.

Okhotsk Sea—West Pacific

East of the Sea of Japan—Yellow Sea—East China Sea stock area and west of 180°, north of the equator.

Remainder

East of the Okhotsk Sea—West Pacific stock area, north of the equator.

* * *

4. By adding § 351.34(e) to read as follows:

§ 351.34 Classification of stocks.

* * *

(e) Notwithstanding the other provisions of Section 351.34, catch limits for the killing for commercial purposes of whales from all stocks for the 1986 coastal and the 1985/86 pelagic seasons and thereafter shall be zero. This provision will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of this decision on whole stocks and consider modification of this provision and the establishment of other catch limits.

5. By revising § 351.35 to read as follows:

§ 351.35 Catch limits for baleen whales.

(a) The number of baleen whales taken in the Southern Hemisphere in the 1982/83 pelagic season and the 1983 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the sum of the area catches exceed the total catch limit for each species.

(b) The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1983 and in the North Atlantic Ocean in 1983 shall not exceed the limits shown in Tables 1 and 2.

6. By revising § 351.36 to read as follows:

§ 351.36 Aboriginal subsistence whaling.

(a) Notwithstanding the provisions of § 351.34, catch limits for aboriginal subsistence whaling to satisfy aboriginal subsistence need for the 1984 whaling season and each whaling season thereafter shall be established in accordance with the following principles:

(1) For stocks at or above the MSY level, aboriginal subsistence catches shall be permitted so long as total removals do not exceed 90 percent of MSY.

(2) For stocks below the MSY level, but above a certain minimum level, aboriginal subsistence catches shall be

permitted so long as they are set at levels which will allow whale stocks to move to the MSY level.¹

(3) The above provisions will be kept under review, based upon the best scientific advice, and by 1990 at the latest the Commission will undertake a comprehensive assessment of the effects of these provisions on whale stocks and consider modification.

(b) Catch limits for aboriginal subsistence whaling are as follows:

(1) The taking of 10 humpback whales not below 35 feet (10.7 metres) in length per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose.

(2) The taking of bowhead whales from the Bering Sea stock by aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided that: (i) For the years 1981 through 1983, inclusive, the total number of whales landed shall not exceed 45 and the total number of whales struck shall not exceed 65, provided, however, that in any one year the number of whales landed shall not exceed 17. (ii) It is forbidden to strike, take, or kill calves or any bowhead whale accompanied by a calf.

(3) The taking of gray whales from the Eastern stock in the North Pacific is permitted, but only by aborigines or a Contracting Government on behalf of aborigines, and then only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines. The number of gray whales taken in accordance with this subparagraph in 1983 shall not exceed the limit shown in Table 1.

(4) The taking by aborigines of minke whales from the West Greenland stock and fin whales from the West Greenland stock is permitted and then only when the meat and products are to be used exclusively for local consumption. The number of whales taken in accordance with this subparagraph shall not exceed the limits shown in Table 1.

7. By revising § 351.39 to read as follows:

§ 351.39 Catch limits for sperm whales.

Catch limits for sperm whales of both sexes shall be set at zero in the

¹ The Commission, on the advice of the Scientific Committee, shall establish as far as possible (i) a minimum stock level for each stock below which whales shall not be taken, and (ii) a rate of increase towards the MSY level for each stock. The Scientific Committee shall advise on a minimum stock level and on a range of rates of increase towards the MSY level under different catch regimes.

Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.

Table 1 [Amended]

8. By revising only the following specific entries in Table 1 to Subpart C:

A. The subheading entitled "Southern Hemisphere—1981-82 pelagic season and 1982 coastal season", is revised to read "Southern Hemisphere—1982-83 pelagic season and 1983 coastal season".

B. The catch limits for minke whales in the Southern Hemisphere are revised as follows:

Area I	852
Area II	656
Area III	1,116
Area IV	1,969
Area V	1,896
Area VI	937
Total catch not to exceed	7,072

C. The subheading entitled "Northern Hemisphere—1982 season," is revised to read "Northern Hemisphere—1983 season."

D. The classifications and/or catch limits for the following North Atlantic stocks are amended as follows:

(1) West Greenland stock of minke whales becomes unclassified, indicated by the symbol for a dash, and the catch limit is amended to add references to footnotes 6 and 7.

(2) Canadian East Coast stock of minke whales catch limit is amended to add a reference to footnote 4.

(3) Central stock of minke whales becomes unclassified and the catch limit is revised to read "300".

(4) Northeastern stock of minke whales becomes unclassified and the catch limit becomes undefined, indicated by the symbol for a dash.

(5) West Greenland stock of fin whales becomes unclassified and the catch limit

is amended to add reference to footnote 8.

(6) Newfoundland—Labrador stock of fin whales becomes unclassified and the catch limit is revised to read "0" (zero).

(7) East Greenland—Iceland stock of fin whales catch limit is revised to read "167."

(8) Spain-Portugal-British Isles stock of fin whales becomes unclassified and the catch limit is revised to read "120" followed by reference to footnote 10.

(9) North Norway stock of fin whales becomes unclassified and the catch limit is revised to read "0" (zero).

E. The footnotes to Table 1 are amended as follows:

(1) Footnote 2: reference to 1982 is revised to read "1983."

(2) Footnote 5 is revised to read as follows:

Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to § 351.36(b)(3).

(3) Footnote 7 is revised to read as follows:

Of the total numbers shown, a proportion corresponding to needs may be taken by aborigines pursuant to § 351.36(b)(4).

(4) Footnote 8 is revised to read as follows:

Available to be taken by aborigines pursuant to § 351.36(b)(4).

(5) Footnote 9 is revised to read as follows:

The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.

(6) Footnote 10 is revised to read as follows:

The total catch of fin whales shall not exceed 270 in the three years 1983 to 1985 inclusive.

9. By amending only the following specific entries in Table 2:

A. The subheading entitled "Southern Hemisphere and Northern Indian Ocean 1981-82 pelagic season and 1982 coastal season is revised to read "1982-83 pelagic and 1983 coastal seasons."

B. All stock designations from South Atlantic Stock to Peruvian Stock, inclusive, are indented, and the designation reading South Atlantic Stock is preceded by the subheading: Southern Hemisphere.

C. Southern Indian Ocean stock catch limit is revised to read "0" (zero) followed by reference to footnote 2.

D. Solomon Island stock catch limit is followed by reference to footnote 2.

E. Western South Pacific stock catch

limit is revised to read "0" (zero) followed by reference to footnote 2.

F. Eastern South Pacific stock catch limit is revised to read "0" (zero) followed by reference to footnote 2.

G. Peruvian stock becomes unclassified, indicated by the symbol for a dash, and the catch limit is revised to read "165" followed by reference to footnote 1.

H. The subheading reading North Pacific—1982 season is amended to read as follows: North Pacific.

I. Eastern stock catch limit is amended by adding a reference to footnote 2.

J. Western North Pacific stock catch limit is revised to read "536."

K. East China Sea stock becomes unclassified, the indication of which is not footnoted, and the catch limit is revised to read "10."

L. North Atlantic—1982 season stock designation is revised to read as follows: North Atlantic. The North Atlantic catch limit is followed by reference to footnote 2.

M. Northern Indian Ocean—1982 season stock designation is revised to read as follows: Northern Indian Ocean.

N. The footnotes to table 2 are amended as follows:

1. Footnote 1: reference to 1981 is changed to 1982.

2. Footnote 2 is removed.

3. Footnote 3 is redesignated as footnote 2.

4. Footnote 4 is removed.

10. By amending only the following specific entries in Table 3.

A. The subheading entitled "Southern Hemisphere 1981-82 pelagic season and 1982 coastal season is revised to read "Southern Hemisphere 1982-83 pelagic season and 1983 coastal season."

B. The Western Division and Eastern Division stock designations for sperm whales are indented, and the Western Division stock designation is preceded by the left justified subheading: North Pacific.

C. Western Division North Pacific sperm whale stock: the symbol for a dash indicating an undefined catch limit is followed by reference to footnotes 1 and 2.

D. North Atlantic sperm whale stock catch limit becomes unfootnoted.

E. North Atlantic bottlenose classification is followed by reference to footnote 3.

F. The footnotes to Table 3 are amended as follows:

(1) Footnote 1 is revised to read as follows:

No whales may be taken from this stock until catch limits including any limitations on size and sex are established by the Commission.

(2) Footnote 2 is redesignated footnote 3 with the reference to 1982 changed to 1983.

(3) New footnote 2 is added to read: Notwithstanding footnote 1, catch limits for the 1982 and 1983 coastal seasons are 450 and 400 whales, respectively, provided that, included with each of these catch limits there may be a by-catch of females not to exceed 11.5% and all whaling operations for this species shall cease for the rest of each season when the by-catch is reached.

[FR Dec. 63-8556 Filed 4-6-83; 6:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 68

Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

Papayas Grown in Hawaii; Proposed Change in Interest Charges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a proposal that would change the interest rate charged on delinquent assessments from three-fourths of one percent per month to one percent per month. The proposal would also change the date when assessments are due. The proposed action is designed to bring the interest rate more into line with current comparable rates and to conform with handlers' business cycles.

DATES: Comments must be received not later than May 9, 1983.

ADDRESS: Send two copies of comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077—South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Hawaiian papaya crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This proposal is issued under

Marketing Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other available information. Under § 928.41 of the marketing order, if a handler does not pay program assessments within a prescribed period, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee. The current interest rate is set forth in § 928.141 of Subpart—Rules and Regulations (§§ 928.141-928.160), and that rate has been in effect since 1971. This proposal would revise the rate from three-fourths of one percent to one percent to reflect a rate more in line with current comparable interest rates. This proposal also would change the date when interest charges accrue from six days after the 15th of the month to six days after the 25th of the month.

List of Subjects in 7 CFR Part 928

Marketing agreements and orders, Hawaii, Papayas.

PART 928—[AMENDED]

The proposal is to revise § 928.141 to read as follows:

§ 928.141 Interest charges.

(a) Assessments levied pursuant to § 928.41 not paid within five days after the 25th of the month on papayas handled during the preceding month shall be subject to an interest charge of one percent per month.

(b) Notification that assessments are due not later than five days after the 25th of the month shall constitute a demand on a handler for the payment of the handler's pro-rata share of expenses within the meaning of § 928.41(a).

Dated: April 4, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-0153 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 993

Dried Prunes Produced in California; Withdrawal of Proposed Changes in the Time for Filing Reports and Conforming Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed amendment to rule.

SUMMARY: This document withdraws a proposal to amend § 993.172(b) and (d) of the Administrative Rules and Regulations which would have changed the time requirements for handlers to file the monthly "New Crop Supply and Inbound Prune Report" and the "Report of Shipments". The purpose of the change was to enable the Prune Marketing Committee (PMC) staff to prepare and release its statistical data on supply and shipments sooner each month. It has been determined that the proposal places added time and cost burdens on the handlers required to file these reports, and that these burdens outweigh the benefits that would have been derived by the prune industry. Therefore, the proposed report deadline filing dates should not be implemented.

In addition, minor conforming changes were proposed to reflect the change in the name of the local industry Committee from Prune Administrative Committee to Prune Marketing Committee. The name change was made in December 1981. Although not addressed in comments, these minor changes will be made at a later date.

DATE: Withdrawal effective April 7, 1983.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Assistant Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: This document withdraws the proposal published in the Federal Register on January 4, 1983 (48 FR 260-261), to amend the Administrative Rules and Regulations (7 CFR 993.101-993.174) to require handlers to file monthly prune supply and shipment reports sooner and make minor conforming changes in that subpart. The proposal was made under the marketing agreement and Order No. 993, both as amended (7 CFR 993), regulating the handling of dried prunes produced in California. The agreement

and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal invited written comments on changing § 993.172 (b) and (d) until February 28. Six comments were received from affected handlers opposing the proposal. These handlers expressed concern that changing the time requirements for filing the reports from the 10th calendar day of the next succeeding month would impose additional burdens on their business operations, but would not contribute significantly to the intended objective of enabling the PMC to issue its statistical reports sooner each month. Another comment would have given handlers additional time to file these reports, but not sufficient time to lessen the additional burdens expressed by commentators.

After consideration of all relevant matter including the comments received and the benefits that would accrue to the prune industry from the proposed change in reporting the required information, it is determined that the additional burden imposed on handlers would not warrant changing the time requirements for filing the supply and shipment reports.

Therefore, the current time requirements in § 993.172(b) for filing the monthly "new Crop Supply and Inbound Prune Report", and in § 993.172(d) for filing the monthly "Report of Shipments" tend to effectuate the declared policy of the act and shall remain in effect.

List of Subject in 7 CFR Part 993.

Marketing agreements and orders, Plums and Prunes, California.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 4, 1983.

D. S. Kuryleski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-0152 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 11

[Docket No. RM83-13-000]

Annual Charges for Use of Government Dams and Other Structures Under Part I of the Federal Power Act

March 31, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations governing annual charges for hydroelectric power projects that use Government dams and other structures. The Commission currently determines these annual charges on a case-by-case basis. The proposed rule would adopt a generic, formula-based approach. The Commission proposes to apply the rule to newly-licensed projects, projects with licenses that indicate annual charges will be determined by this rulemaking, relicensing of projects, and readjustments of projects annual charges.

The Commission expects this proposed rule to provide a means to estimate, with reasonable precision, the true economic benefits of a hydro project at a Government dam. Those benefits, after being converted to a constant dollar amount, would be shared equally by the licensee and the United States. The proposed rule also seeks to avoid increasing the costs borne by consumers of electric power.

The rule is expected to reduce the time and resources now needed by the Commission, licensees, and other persons to fix annual charges under the current case-by-case approach. In addition, the overall process for licensing these projects should be expedited.

DATE: Comments must be received on or before May 16, 1983.

ADDRESS: Comments must be submitted to Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM83-13-000. An original and 14 copies must be filed.

FOR FURTHER INFORMATION CONTACT:

Bernard B. Chew, Director of Interconnection and Systems Analysis, Office of the Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 376-9284.

Fredric B. Chanania, Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend the regulations governing annual charges for hydroelectric power projects that use Government dams and other

structures. These annual charges are assessed under section 10(e) of the Federal Power Act (FPA).¹ Section 10(e) empowers the Commission to fix reasonable annual charges for the "use, occupancy, and enjoyment" of Government property, including dams and other structures owned by the United States.

The Commission currently determines annual charges on a case-by-case basis. The charge is based upon a "sharing of the net benefits" realized by a licensee from using a Federal dam or other structure.

Measurement of project "net benefits" is, therefore, the critical and fundamental task that lies at the heart of this approach. And, just as important to recognize, measurement of project net benefits is a complex matter. Stated as simply as possible, "net benefits" are the difference between (1) the estimated value of the power produced at the project (equal to the cost of producing equivalent power with the least costly alternative sources of power) and (2) the estimated costs of producing project power.

The Commission has, in exercising the discretion granted in section 10(e), historically split the net benefits equally with a licensee. A licensee pays to the Commission 50% of the estimated net benefits as its annual charge under section 10(e).² Payments are made in uniform annual amounts over the term of the project license,³ unless the annual charge is readjusted under the provisions of section 10(e).⁴

A. Summary of Proposed Method

The Commission proposes to replace the present case-by-case calculation of annual charges under 18 CFR 11.22 with a generic, formula-based approach. This rule would apply to all projects that become available for service (i.e., construction is complete) after the effective date of the final rule or that have licenses which indicate the annual charge will be the amount determined

¹ 16 U.S.C. 803(e) [1976].

² Section 17(a) of the Federal Power Act, 16 U.S.C. 810(a) [1976], provides that these funds shall be paid into the United States Treasury, subject to certain percentage distributions specified in section 17(a).

³ The annual dollar amount now collected is the same each year since the total estimated net benefits over the license term have been leveled into equal annual amounts.

⁴ Pursuant to section 10(e), an annual charge may be readjusted by the Commission "at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing." See generally, *Montana Power Co. v. FPC*, 459 F.2d 863 (D.C. Cir. 1972), cert. denied, 408 U.S. 930 (1972).

by this rulemaking.⁶ This rule would also apply to any readjustments of an annual charge and to relicensing of a project using a Federal dam. The annual charges for pumped storage projects using Federal dams would not be subject to this rule.

As discussed more fully in Section III of this Notice, the proposed method retains the concept of "net benefits" as the basis for setting the annual charge. The two parts of the net benefits calculation would still be the fundamentals—finding the cost of power from the least costly alternative sources ("power value") and finding the cost of project power. The proposed rule would, however, use regional estimates for the power value component, not project-specific estimates. In addition, the proposed rule would not use estimates for project construction costs in determining project power cost but, instead, would use actual construction costs as verified by the developer after construction is complete.

These two changes from the presently used method are very significant. The regional power value estimates, focusing on the least costly alternative sources of power in the region, would be based upon standard formulas; standard procedures; Federal data on fuel costs, interest rates, and wage rates; and other published or readily available utility cost data. Under the proposed method, the power value calculation is generalized in that it uses average fuel cost data, average costs of financing, and average investment costs for alternative sources of power, such as baseload coal plants. The electric utility data will be that which is collected and published by recognized sources, such as the Energy Information Administration of the United States Department of Energy.

The estimate of project power costs—the other half of the net benefits equation—would be based upon actual construction costs plus an estimate of operation, maintenance and administrative (O&M) costs for the project. Using actual project costs will eliminate the uncertainties associated

with using estimated project construction costs. Project O&M costs, however, necessarily must be estimated. Standard formulas and industry data, specified more precisely in Section III, *infra*, will be used for these O&M cost estimates.

Net benefits will be the difference between the appropriate regional power value and the estimated project power costs (based upon actual construction cost but estimated O&M costs). The power values for the year of project completion and for the region in which the project is located will be applied. Both power values and project power costs will be levelized⁶ over the period of time extending from the year the project is available for service until the end of the term of the project license. The net benefits determined from these power values and project power costs will be stated in dollars of the year in which project construction is completed. The annual charges for a project will be calculated immediately following the year in which project construction is completed.

Once the annual charge, sometimes referred to as a "use charge," is established, the charge will be fixed in constant dollars over the remaining term of the project license unless a readjustment is made at a statutorily-prescribed time. The actual annual payment amount will be adjusted for inflation using the Gross National Product (GNP) Deflator.⁷ This will keep the relative value of the charge vis-a-vis the project benefits at a constant level.

The Commission will update regional power value data annually by notice in the Federal Register. This notice will also specify the GNP Deflator factor that will be applied for the year's annual charges billings. Yearly updates of regional power value data in subsequent years will not affect the annual charges established for any project completed in an earlier year.

⁶ "Levelized" means determining a series of uniform annual amounts which, over a specified period, would result in the same aggregate present value as a series of varying, estimated annual amounts. The concept of using levelized annual costs and benefits as a means of comparing alternatives is discussed in standard texts, such as Grant and Ireson, *Principles of Engineering Economy* (5th ed. 1970).

⁷ This is published annually in the Annual Report of the Council of Economic Advisors. The Commission believes that using the GNP Deflator is appropriate, given the nature of this rulemaking. The Consumer Price Index (CPI), as used in Portland General Electric Co., 20 FERC ¶ 61,294 (Sept. 1, 1982), is believed less appropriate for this generic approach because the CPI does not focus comprehensively on the overall economic value of all goods and services across the country.

B. Objectives and General Considerations

The proposed generic method is intended to estimate, with reasonable precision, the true economic benefits of a hydro project at a Government dam. In trying to estimate the economic worth of the project, it is appropriate to consider electricity value indicators such as levels and trends of fuel prices and costs of electricity from other generation sources in the general locale of the project. This is a basic aspect of the power value formulas in this Notice. Estimates of the costs of producing project power can be based on the costs of construction, financing, operation, maintenance, and project output. The value of project power depends significantly on its effective capacity during the peak electric load season, its annual energy production, and the projected regional market for electric power.

The Commission believes that the proposed methodology for estimating net benefits parallels the evaluation process that an experienced developer would use, that is, it develops an estimate of value of project power output over the term of the license and an estimate of the specific project power costs. Thus, the Commission expects this proposed rule to allow a reasonable and fair approximation of the economic benefits of each project. This will enable the Commission to fix "reasonable" annual charges as mandated by section 10(e) of the FPA.

This methodology, imposed on a generic basis, will reduce the time and resources now needed to fix annual charges under the current case-by-case approach. Licensees will directly benefit from the elimination of the litigation burden that has, at times, accompanied the setting of annual charges for a project. In addition, the overall process for licensing hydro projects at Government dams will be expedited, thereby benefitting project developers. By eliminating the need to estimate project construction costs, the accuracy of calculating net benefits should improve. This will aid in improving the degree of financial predictability for potential developers. In addition, the use of estimated regional power values on a generic basis will eliminate some of the problems of the current approach, such as the variation in assumptions and estimates among various individual licensing cases. In particular, the proposed indexing of annual charges to the GNP will remove the need to estimate future inflation trends when estimating project net benefits. Thus, the

⁸ Projects may consist of more than one generating unit, and these individual units may become available for service at different times. The project net benefits will be reevaluated as each unit becomes available for service. However, since the term of the project license normally remains unchanged even though new units may be added on, the period of time over which the net benefits will be levelized will still be from the time each unit is available for service until the end of the license term. See note 6, *infra*. If an added unit so substantially changes the project that issuance of a new project license is deemed necessary, the net benefits will be determined over the new license term.

proposed rule should increase the relative uniformity of annual charges.

Finally, the Commission is fulfilling the mandate of section 10(e) of the FPA to seek to avoid any unwarranted increase in the cost of electric power for consumers. By determining net benefits on a project-specific basis using regional power values, the Commission is attempting to provide a means to consistently and uniformly determine the true benefit of a project. Undervaluation of a project's net economic benefits might reduce electric rates for ratepayers receiving power at cost from a specific project. However, the resulting, overly low annual charge payment to the United States Treasury ultimately places higher costs on other consumer members of the public, who must make up the difference through their taxes. Thus, the proposed rule strikes an even-handed balance between these different consumer and taxpayer interests by standardizing a fair charge-setting process, by determining net benefits based upon the true economic value of the project, and by collecting 50% of those net benefits for the United States.⁸

II. Background

A. Section 10(e) of the Federal Power Act

Under section 10(e) of the FPA, the Commission is directed to fix a reasonable annual charge recompensing the United States for the use of Federally-owned dams and other structures.⁹ The charge must be set

within certain constraints: The charge must be greater than zero, the charge must reimburse the Government in proportion to the value of using the dam, and the charge should seek to avoid increasing the price of power to consumers.¹⁰ Section 10(e) also allows the Commission to readjust the annual charge at specific times beginning in the 20th year after the project is ready for operation. Readjustments can be made only after notice and opportunity for hearing.

B. Legislative History

The legislative history reveals that Congress believed that the use of a Government dam is a benefit conferred on the licensee.¹¹ Although the legislative history contains discussion of different methods of assessing the charges, these methods all related to sharing the benefit a licensee receives from use of Federal property.¹² Thus, the legislative history indicates strongly that the Commission should make annual charges proportional to the benefit conferred.¹³

The legislative history also shows that the Commission has discretion to revise the charges to keep them proportional to the benefit conferred. This is embodied in the readjustment provisions of section

10(e). Congress also indicated that the Commission could establish a formula charge which would change annual charges more frequently than at the times specified for readjustment.¹⁴ The Commission has considered the use of such formula-based charges in the past.¹⁵

C. Implementation of Section 10(e)

Beginning in the early 1920's, the Commission assessed, on a case-by-case basis, annual charges that were proportional to the value of the project to the licensee. Although a number of approaches have been used since the 1920's, the method currently used in most cases has been "sharing of the net benefits" (SNB).¹⁶ The SNB method consists of four steps: (1) Finding the annual cost of power from the least expensive alternative source (power value); (2) finding the annual cost of project power (project powerhouse costs); (3) finding the net benefits by subtracting power cost from power value; and (4) charging the licensee for 50% of the net benefit. The Commission has customarily written the annual charge amount into each license. The annual charge remains unchanged unless it is readjusted at the times specified in section 10(e).

The Commission's implementation of section 10(e) through the SNB method was upheld in the *City of Vanceburg v. FERC*.¹⁷ The *Vanceburg* opinion cites the legislative history of the Act as suggesting that "reasonable" charges should be proportional to the Federal benefits conferred. Even though the *Vanceburg* opinion approves the SNB method, the court does not restrict the Commission to that method alone. The court found that the Commission has discretion, within the statutory language, to use any one of several methods in calculating the charge, so long as the basis of the charge is the "actual value of dam use to the specific licensee."¹⁸ The court indicated it would

⁸ The Commission wishes to emphasize that nothing in this Notice of Proposed Rulemaking should be taken as an indication of the Commission's views on establishing avoided cost rates under the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645.

⁹ Section 10(e) states in pertinent part:

"That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission . . . for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provisions for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges Provided, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations, the Commission shall, subject to the approval of the Secretary of the Interior in the case of such dams or structures in reclamation projects and, in the case of such tribal lands, subject to the approval of the Indian tribe having jurisdiction of such lands . . . , fix a reasonable annual charge for the use thereof, and such charges may with like approval be readjusted by the Commission at the end of twenty years after the project is available for service and at periods of not less than ten years thereafter upon notice and opportunity for hearing . . . but in no

case shall a license be issued free of charge for the development and utilization of power created by a Government dam and that the amount charged therefore in any license shall be such as determined by the Commission.

¹⁰ This proposed rule is not intended to apply to annual charges for non-Federal projects located on Indian lands. While the principles and consideration in this rulemaking may be useful on a case-by-case basis for such projects, a separate rulemaking will be necessary for non-Federal projects on Indian lands.

Section 10(e) mentions the phrase "subject to the approval of the Secretary of the Interior" with respect to setting certain annual charges. As discussed more fully in Section V.H, *infra*, this phrase grants intervention and judicial appeal rights to the Secretary of the Interior. See, e.g., *Montana Power Co. v. FPC*, 459 F.2d 863, 873-74 (D.C. Cir. 1972).

Section 10(e) also mentions a reasonable charge to recover excessive profits. This phrase was intended by Congress to apply to situations where state regulation of utilities and other project developers had not yet been imposed. See 59 Cong. Rec. 6524, 6526 (1920). Thus, this phrase has little, if any, application to the setting of annual charges at this time.

¹¹ See 54 Cong. Rec. 1185 (1917); 56 Cong. Rec. 9311-12, 9903-05 (1918); 58 Cong. Rec. 2135-36, 2222-24 (1919); 59 Cong. Rec. 1041, 1100-07 (1920).

¹² Among the methods suggested for computing annual charges were: (1) Percentage of licensee profits; (2) a flat rate per horsepower energy developed; and (3) percentage of the savings from choosing hydropower rather than an alternative fuel generating source. See note 11, *supra*.

¹³ See note 11, *supra*; see also, 59 Cong. Rec. 6524-29 (1920). This reading of the legislative history is mentioned in *City of Vanceburg v. FERC*, 571 F.2d 630 (D.C. Cir. 1977), *cert. denied*, 439 U.S. 818 (1978); see also *Montana Power Co. v. FPC*, 298 F.2d 335 (D.C. Cir. 1962).

¹⁴ 58 Cong. Rec. 2223 (1919); see also S. Rep. No. 180, 66th Cong., 1st Sess. (1919).

¹⁵ See, e.g., *Escondido Mutual Water Co.*, Opinion Nos. 36 and 38-A, 6 FERC ¶ 61,189 (Feb. 26, 1979), 9 FERC ¶ — (Nov. 26, 1979), *rev'd other grounds*, *Escondido Mutual Water Co. v. FERC*, 692 F.2d 1223 (9th Cir., 1982), *rehearing denied*, March 17, 1983; *Portland General Electric Co.*, 20 FERC ¶ 61,294 (Sept. 1, 1982).

¹⁶ A few annual charges have been computed according to the "sharing-of-costs method," in which the annual costs of joint-use facilities (i.e. the dam and reservoir) are apportioned between the United States and the licensee in the ratio which the benefits of the facilities to the Government bear to the benefits of the facilities to the licensee. However, this method is no longer used.

¹⁷ 571 F.2d 630 (D.C. Cir. 1977).

¹⁸ 571 F.2d at 647. The court in *Vanceburg* also deferred to the Commission's discretion in

defer to any method selected by the Commission as long as the charge is greater than zero, is based on the full value of using the Government dam, seeks to minimize consumer cost, and encourages hydropower development.¹⁹

III. The Proposed Rule

A. Overview

1. Use of the Basic SNB Theory

The Commission is persuaded that the basic tenets of the "sharing of the net benefits" (SNB) method provide a reasonable foundation upon which to determine the economic resource value of a hydro project using a Government dam. As mentioned earlier, the SNB method has four basic steps:

- (1) Determining the annual value of the power to be produced at the hydropower project over the license period (power value). This consists of estimating the cost of the least expensive, equivalent amount of power available from alternative sources;
- (2) Determining the annual cost of producing power at the hydropower project over the license period;
- (3) Finding the annual net benefit by subtracting the annual project power cost from the annual power value; and
- (4) Dividing the annual net benefit equally between the licensee and the United States.

The proposed method follows this four-step process. However, unlike the current, case-by-case SNB approach that estimates all elements of the process on a totally project-specific basis, the proposed method determines net benefits for each project based upon actual project construction costs and estimated regional power values.

The use of estimated regional power values has certain aspects worthy of note. The selection of the regions will be based upon similarity of alternative power generation costs and projected regional fuel costs.²⁰ Annually, the Commission will publish a notice in the *Federal Register* that lists the year's power value data for each region. Also listed will be capital costs and heat rates of the alternative thermal power plants, the present cost of fuel, the

projected real fuel price escalation, and the current and projected regional utility average incremental energy costs. The capital costs of regional steam plant alternatives will be determined from the Concept-5 power plant cost estimating code developed and maintained by the Oak Ridge National Laboratory.²¹ The detailed assumptions used as code inputs will be listed.

A regional power value will be directly calculated by the formulas and data as a function of a project's annual capacity factor²² and its peak season capacity factor.²³ A tabulation of sample power values for selected capacity factors will be included in the annual notice for ready reference.²⁴ Net benefit estimates, therefore, can be readily made by potential developers at any time, using their own project construction cost estimates and the power value data provided in the Commission's annual update notice.

Power value will be determined for the remaining term of the project license following the completion of construction, using present worth methods. The interest rate will be the real, "inflation-free" cost of money.²⁵ The power values will be developed and expressed in constant dollars as of the year of project completion.

For purposes of illustration only, this Notice contains power value and net benefit calculations, based upon 1982 data, for the New England and Wyoming regions. These sample calculations are presented in Section IV, *infra*. This illustration also demonstrates how a developer can use the published power value data and its own construction and O&M cost data to estimate what a project's annual charges will be.

¹⁹ The Oak Ridge National Laboratory has published a user's manual for the Concept-5 program. C. R. Hudson II, *Concept-5 User's Manual* (ORNL-5470 January, 1979).

²² Annual Capacity Factor (ACF) =

$$\frac{\text{Average annual generation (MWh)}}{\text{Installed capacity (MW) } \times \text{ Hrs. in year}}$$

²³ Peak Season Capacity Factor (PSCF) =

$$\frac{\text{Average generation in peak season (MWh)}}{\text{Installed capacity (MW) } \times \text{ Hrs. in peak season}}$$

The peak season capacity factor is a measure of the capacity available at system peak where the project operator does not control the storage and release of water for power production. This is normally the situation for non-Federal projects at Government dams.

²⁴ Section IV, *infra*, contains a partial example of how this tabulation would be presented.

²⁵ See Section III.B.3(b), *infra*.

2. Use of Standard Formulas and Data

The determination of power values is based on the procedures developed by the Commission, the Army Corps of Engineers, and other Federal water resource agencies to evaluate Federal power projects.²⁶ Section III.B, *infra*, includes a detailed description of the power value concept and its application under this proposed rule for determining net benefits of projects at Federal dams. Section III.B also explains the proposed power value formulas in detail.

Actual construction costs will be submitted by a developer after the project is completed. The Commission will use these actual costs in calculating net benefits and the actual annual charges. As mentioned earlier, estimates for project O&M costs will be made based upon standard data.²⁷

The estimated net benefits determined under the proposed method represent the total benefits over the remaining period of the project license. The aggregate present worth²⁸ of the varying yearly amounts of benefits is levelized,²⁹ using the inflation-free discount rate, to establish an annual net benefit measured in constant dollars as of the year of project completion. This follows customary analytical techniques where the total stream of future benefits and costs is present-worthed to the start of project operation and then levelized.

3. Ownership Status of Licensee

The generalized net benefit determination method described in this Notice values the power produced by a hydropower project as equal to the cost of power from the least costly alternative source of power. This cost will depend, in part, on the financing costs of the alternative source of power and the taxes its owner must pay. Similarly, the calculation of the hydro project's power cost also depends, in part, upon the developer's financing costs and the taxes it must pay. Thus, it is clear that the amount of the net benefits and the annual charges will

²⁶ Federal Energy Regulatory Comm'n *Hydroelectric Power Evaluation* (DOE/FERC-0031 August, 1979); U.S. Water Resources Council, *Evaluating Hydropower Benefits* (Dec. 1981).

²⁷ *Id.*

²⁸ The present worth of a future benefit is the amount which, if invested at the cost of money, will yield the future benefit in the future year. The present worth technique reflects that a dollar tomorrow is worth less than a dollar today, even without inflation, because a dollar not spent can earn interest. This effect is also termed the "time value of money."

²⁹ See note 6, *supra*. Expressed another way, a "levelized" annual benefit or cost is a uniform annual benefit or cost amount which would provide the same lifetime sum of present worth values as the actual varying benefit or cost amounts.

approving a method which assessed taxpaying entities a lower relative amount than comparable, non-taxpaying municipalities. The court said that merely because charges for municipal projects were proportionately higher than those assessed for similarly situated, investor-owned facilities does not necessarily mean that municipal licensees are being discriminated against. According to the court, the Commission may elect to consider or to ignore a licensee's taxpaying status when computing annual charges.

¹⁹ *Id.*

²⁰ It is expected that 18-20 regions will be identified in the final rule.

depend upon whether the project developer is a public or private entity.

Financing costs and taxes appropriately corresponding to the licensee's ownership status will, therefore, be used in all power value and project power cost determinations to reflect more accurately the project's economic value. However, all illustrative examples in this Notice and in the sample regional power values to be published annually in the Federal Register will be based on public financing costs and the municipal and State exemption from taxes. This is to ease the burden of preparing these examples which are only illustrative of the net benefits determination. Public ownership status has been selected for these examples because it is expected that the great majority of licensees for power projects using Federal dams will be public entities.

4. Sharing of the Net Benefits

The Commission proposes to continue the current 50%-50% sharing of the net benefits for projects using a Federal dam or other structure. As discussed earlier in this Notice, the Commission is striking a balance between the overall public interest in collecting a fair payment for the benefits conferred upon licensees and the local electric consumers' interest in minimizing the cost of electricity from the project. Historically, the 50-50 sharing of the net benefits has proved to be equitable within the parameters of section 10(e) of the Federal Power Act.

While this Notice proposes to retain the 50-50 split, the Commission recognizes its statutory role to encourage small power projects. Projects of 5 MW or less in general and small projects that are economically marginal may require special consideration. The Commission, therefore, specifically invites comment on whether the 50-50 split should be applied to all projects or whether small projects should retain more than 50% of the net benefits, should be charged a flat fee, or should be exempted from annual charges.

B. Determination of Power Value

1. Background

The concept of power value was developed originally to determine the merit of proposed Federal hydropower projects. Federal agencies have used power values to evaluate Federal projects for economic feasibility and resource efficiency.³⁰ Power value is the

estimated, levelized cost of the least costly alternative source of power that would be used in lieu of the hydro project power.

Some variation has historically occurred among the individual Federal agency attitudes toward certain elements, such as the appropriate fixed charge rate and the appropriate allowance for real fuel price escalation to be used. However, the same basic power value methodology has been widely used because it conveniently and reasonably compares alternatives.³¹ The levelized annual cost approach reflects both the time value of money and the differing useful lives of alternatives. The cost of power from the least costly alternative is taken to be the power value of the hydro project power.

The proposed method for calculating power values is consistent with established hydropower project evaluation principles and employs the standard formulas and data elements used to determine the worth of Federal projects.

2. The Power Value Calculation

As noted earlier, the power value of a hydropower project represents the cost of equivalent wholesale electric power from the least costly alternative source or sources of power. Generally, power value consists of both a capacity value and an energy value component. The capacity value component reflects, as a consequence of building the hydropower project, the savings in annual fixed costs

to a utility from the reduced need to obtain capacity from other sources to meet projected system load. The capacity value of a hydropower project is estimated in terms of the project's peak season capacity factor and the comparative reliability of hydro and thermal power sources.

The energy value component reflects the cost savings that result from producing hydroelectric energy at the project rather than obtaining equivalent energy from the least costly thermal alternative. The energy value component is determined as the net cost of supplying (a) the firm kilowatt hours of energy that would be produced by the equivalent thermal capacity³² and (b) any additional non-firm energy produced.³³

Power value is that combination of capacity and energy values, corresponding to a realistic regional alternative generation source, which provides the lowest total power cost. The capacity and firm energy values must be related to the same specific alternative source or sources of power. For example, the production cost (or energy value) of a baseload, coal-fired steam unit cannot be combined with the fixed cost (or capacity value) of a peaking, combustion turbine unit.

(a) *Capacity Value Component.* The capacity value of a hydropower project is the fixed cost of the thermal alternative, per kilowatt hour of generation, as expressed by the formula:³⁴

$$CV = \frac{(I \times R) + FIC + FOC}{ACF \times 8760} \times 100 \times PSCF \times MAF$$

Where

CV = Levelized capacity value of the project (in cents per kWh)³⁵

I = Investment (construction) cost of alternative generating unit completed in the same year as the project (in dollars per kW of capacity)³⁶

³⁰ Standard economic theory maintains that overall resource efficiency will be achieved by use of the lowest cost resource alternative, as long as the costs of all resources (goods and services) are established by a free market and not distorted by subsidies, price controls, or noncompetitive market characteristics.

³¹ Firm energy is energy associated with reliable capacity.

³² Non-firm energy is energy produced without reliable capacity.

³³ *Hydroelectric Power Evaluation*, *supra* note 26, explains the development of this expression, except for the final term. The MAF (Mechanical Availability Factor) is the ratio of the statistical mechanical availability of hydro generation versus thermal generation, excluding scheduled maintenance outages. It is expressed as:

MAF =

$\frac{1 - \text{EFOR of hydro unit}}{1 - \text{EFOR of thermal unit}}$

where EFOR is the equivalent forced outage rate. This is based upon the records of the North American Electric Reliability Council (NERC), *Generating Availability Data System Analysis and Reports*. The product of the MAF with the peak season capacity factor (PSCF) represents, as a portion of the installed hydro project capacity, the amount of thermal capacity which has the same load carrying capability as the hydro capacity. The capacity factor of the project during the peak load season (PSCF) represents the statistical hydrological resource availability as determined from records kept at Government dams. See note 23, *supra*.

³⁴ As discussed earlier, the levelizing factors are based on the "real" long-term interest rate and the resulting power values are expressed in dollars of the year of project completion.

³⁵ This number will be developed from the Concept-5 cost estimating code, *supra* note 21, and

³⁰ See note 26, *supra*.

R=Annual fixed charge rate (decimal) ³⁷

ACF=Annual capacity factor of project (decimal) ³⁸

FIC=Annual levelized cost of fuel inventory (in dollars per kW of installed capacity) ³⁹

FOC=Annual levelized fixed operating costs for thermal alternative (in dollars per kW of installed capacity) ⁴⁰

PSCF=Capacity factor of project during peak load season ⁴¹

MAF=Mechanical availability factor (decimal) ⁴²

The capacity factor during the system peak load season (PSCF) is determined by the hydrologic resource availability. Records exist for the monthly flows or releases from Federal dams. These records usually cover at least 15-20 years and can be used by a developer to calculate the average energy production expected at the project during the three-month peak load seasons (*i.e.*, usually June-August or December-February).

In calculating the PSCF factor, it is important to consider both winter and summer peaks and possible shifts of the season in which system peak occurs. The factor computed for the higher peak will be used unless the difference between the seasonal peaks is less than 3 percent in any year. In that case, the smaller seasonal factor will be used because load growth and changes in load composition could more easily shift the peak from one season to another during the term of the license. Therefore, the lower capacity factor would be more appropriate for determining the capacity value for the project.

(b) *Firm Energy Value Component.* The firm energy value of a hydropower project is the value of energy associated with the project capacity value. It is measured as the direct production cost of generating power by the most likely thermal alternative source. The amount of project firm energy may not exceed the alternative's maximum expected annual production. The value of each

kilowatt hour of firm energy is expressed by the formula: ⁴³

$$EV_f = F \times HR \times 10^{-6} + O\&M + EV_a$$

Where

EV_f=Levelized from energy value (in cents per kWh)

F=Levelized cost of fuel (in cents per million Btu) ⁴⁴

HR=Unit heat rate (Btu per kWh) ⁴⁵

10⁻⁶=Conversion factor

O&M=Levelized variable operating and maintenance costs (in cents per kWh) ⁴⁶

EV_a=Energy value adjustment ⁴⁷

(c) *Non-Firm Energy Value*

Component. Non-firm energy is that project energy not associated with capacity value. It represents energy produced at uncertain times, depending on water availability. Numerically, it is the excess of project annual energy production (if any) beyond the firm energy produced. It is valued at the incremental cost of wholesale energy in the region where the hydro project is located. This cost is also known as a utility's or power pool's "running cost" or "system lambda."

To obtain a levelized value for the non-firm energy, it is necessary to estimate the trend of utility running costs in the region over the term of the license. This involves consideration of a region's generation mix. Analysis of data filed with the Commission under 18 CFR Part 290 indicates that utility systems with the optimum economic generation mix (essentially all coal except for peaking units) have average running costs approximately 20-30 percent above the production costs of their most efficient baseload units. Other systems, with significantly non-optimum generating mixes, (large amounts of oil and gas-fired baseload and intermediate generation) exhibit running costs up to 500 percent above baseload coal production costs. These latter systems are likely to correct this imbalance in generating mix in future years through additions or more economic capacity. However, the rate at which corrections can be made is constrained by sunk investment costs and the rate of system load growth.

³⁷ See *Hydroelectric Power Evaluation*, *supra* note 28; see also note 48, *infra*.

³⁸ This value will be based upon EIA data on average fuel costs in the region for year of project completion and on real fuel price escalation. These values will be specified in the annual Federal Register data update notice.

³⁹ This value will be based upon EIA data for recently constructed thermal generating units and will be specified in the annual Federal Register data update notice.

⁴⁰ This value will be based upon Table 4.4 of *Hydroelectric Power Evaluation*, *supra* note 28, as updated by U.S. Dep't of Labor wage rate statistics.

⁴¹ *Hydroelectric Power Evaluation*, *supra* note 28, at 3-7.

At industry projected growth rates of 2-3 percent per year, the total installed capacity in the United States will double in the next 25-35 years. With service lives of thermal generating units averaging 30-40 years, there will be substantial replacement of existing capacity following the year 2000. A reasonable assumption, therefore, is that most utilities will be successful in correcting uneconomic generation mixes by the year 2020, but can make little changes before 1990.

Consistent with this evaluation, the proposed rule assumes that running costs of non-optimum systems, in constant dollars, will be unchanged up to 1990. Between 1990 and 2020, their constant dollar running costs are assumed to decline linearly to a level of 1.2 times baseload coal production costs in the year 2020. That level is then assumed for all years after 2020. The running costs of optimum systems are assumed to be 1.2 times baseload coal production costs in all years.

After establishing the system running costs in each year, the levelized non-firm energy value is obtained in the usual manner by present-worthing the running costs for each remaining year of the license, and then levelizing with the appropriate zero-inflation interest rate.

Thus, non-firm energy values are calculated as follows:

$$EV_{nf} = L \times \sum_{n=1}^N EV_n$$

Where

EV_{nf}=Levelized non-firm energy value, per kWh of non-firm energy (in cents per kWh)

L=Levelizing factor (also known as capital recovery factor)

EV_n=Present worth of energy value (running cost) in year n (in cents per kWh)

n=year, beginning with project completion year

N=total years from year that project is available for service to end of license term

(d) *Formula for Total Power Value.*

The total power value is the sum of the capacity value component and the firm and non-firm energy value component. This is determined by applying the appropriate energy quantities to the firm and non-firm energy values.

(a) If there is only firm energy [Z>1.00],

$$PV = CV + EV_f$$

(b) If there is both firm and non-firm energy [Z<1.00]

$$PV = CV + (EV_f \times Z) + EV_{nf} \times (1 - Z)$$

Where

will be stated in the annual data update notice in the Federal Register.

³⁷ Development of the appropriate fixed charge rate is discussed in *Hydroelectric Power Evaluation*, *supra* note 28.

³⁸ Note 22, *supra*.

³⁹ *Hydroelectric Power Evaluation*, *supra* note 28.

⁴⁰ *Id.* These include the fixed operation,

maintenance, administrative, and general expenses.

⁴¹ Note 23, *supra*.

⁴² Note 34, *supra*. This factor varies with the size of the thermal alternative. For 600 MW coal-fired units, this factor is currently around 1.24.

PV = Total power value (in cents per kWh)
 Z = Maximum expected annual generation of thermal alternative having equivalent capacity divided by the expected annual generation of the hydro project, expressed as

$$MAF \times ACFT \times PSCF$$

ACFT = Maximum expected annual capacity factor of thermal alternative.⁴⁸

3. Power Value Formula Considerations

(a) *Control over Water Releases.* Federal dams are often constructed for non-power purposes, such as navigation, flood control or irrigation. Power development at these dams has certain unique characteristics. Ordinarily, the power project operator has no control over water releases at the dam. The water flows are scheduled without regard for electric demand levels. Hence, a project's output can reduce system capacity requirements only by the amount of effective project capacity available during the system-wide peak period.

Lack of control over water releases means that, in determining the capacity value formula as discussed above, the statistical availability of water flow during the peak load season must be used. However, hydrologic uncertainty is no different from the uncertainty of mechanical availability used in determining thermal capacity requirements. Consequently, the capacity value determination is consistent with the probabilistic evaluations used by utilities to establish capacity requirements.

(b) *Real "Inflation Free" Interest Rates.* The calculation of the power values and power costs is made in constant dollars, using the real, long-term, "inflation-free" cost of money.⁴⁹ The levelized annual net benefits, also in constant dollars based upon the inflation-free cost of money, thus express project net benefits in units of constant economic value. This permits a convenient adjustment to compensate for the shrinking value of the dollar due

to inflation. Inflation results in a steady increase of current dollar project benefits but at unpredictable rates. Instead of attempting to estimate future inflation rates, the constant dollar charge will be indexed to the GNP deflator. Thus there is no need to use estimated interest rates in the power value formulas, which avoids the inevitable controversy on inflationary (or deflationary) economic trends.

This real "inflation-free" discount rate is applied to determined levelized annual capacity costs, corresponding to the investment and fixed costs of the alternative generation, and to the present-worth, aggregate variable operating costs in determining levelized energy costs. The long-term, inflation-free cost of money is generally agreed to have been approximately 3 percent per year but there is some evidence of a recent increase. In 1979, the staff of the United States Nuclear Regulatory Commission selected at 3 percent discount rate for electric utility studies.⁵⁰ More recent evaluations indicate that the rate may be approaching 4 percent.⁵¹ Consequently, the Commission proposes to use a 4 percent real "inflation-free" interest rate in annual charge determinations for privately-financed projects.

Examination of records on the average yields of tax exempt municipal bonds and corporate bonds show that, for a number of years, the tax exempt yields averaged about two-thirds of the equivalent grade corporate bond yields. However, in the past three years, tax exempt yields have increased to about three-fourths of the corporate yields. Consequently, the Commission proposes to use a 3 percent real "inflation-free" interest rate in determining the charges for projects with tax exempt financing.

By using the real, inflation-free cost of money, net benefits are stated in terms of constant dollars valued as of the year of project completion. The inflation adjustment factor, based upon the GNP Deflator, is then applied to determine the annual charge to be billed.

(c) *Capacity-Related Factors.* Because of continuing load growth and the need to construct new generation, the capacity value of a completed hydroelectric project will generally allow a utility to reschedule its construction program and achieve the

cost savings represented by the capacity value. However, where a region has excess capacity and very low load growth, a utility in that region may not realize avoidable capacity cost until some year following initial operation of the hydropower project. The power value up to that year, therefore, is simply the savings in system energy costs.

In the computation of the total power value, an adjustment will be made in most cases to exclude capacity value for the first three years after the project becomes available for service,⁵² unless the NERC regional reserve margin projection is less than 20 percent in any of these years. In that case, the capacity value component will be included for all years after the project is available for service. This assumption reflects the expectations that: (1) All regions will be planning continued capacity additions, even though small under low load growth conditions, (2) on the average, utility capacity expenditures cannot be reduced to reflect the hydropower addition until three years after project completion, and (3) that regions projection reserve margins of less than 20 percent within three years will still derive immediate benefit from the capacity added by a hydro project. The absence of capacity value for several years at the beginning of project operation will not have a major effect on the power value over the entire life of the hydro project. Nonetheless, this partial absence of capacity value is taken into account to avoid overestimating project net benefits.

(d) *Selection of Least Cost Thermal Alternative.* The least cost alternative to a project depends in part upon the mode of project operation, that is, whether it is run-of-the-river, peaking, subject to seasonal or environmental limitations, and so on. Customarily, a project's mode of operation can be approximately characterized by its average annual capacity factor, which is forecast from existing water flow records. An accurate power value calculation should represent the lowest cost alternative means of supplying capacity and energy equivalent to those of the hydro project. Usually, no single thermal alternative is exactly equivalent to the hydro project.

⁴⁸ The appropriate maximum expected annual capacity factor for thermal alternatives will be specified in the annual Federal Register notice. These will be developed from EIA and NERC data.

⁴⁹ The nominal interest rate is linked with inflation in accord with the following expression:

$$(1+i) = (1+r)(1+e)$$

where

i = Nominal interest rate.

r = Real interest rate.

e = Inflation rate.

⁵⁰ U.S. Nuclear Regulatory Commission, *Treatment of Inflation in the Development of Discount Rates and Levelized Costs in NEPA Analyses for the Electric Utility Industry* (NURGE-0607, January 1980).

⁵¹ See, e.g., Spiro, *The Real Rate of Interest for Corporate Planning in Public Utilities* fortnightly (Dec. 9, 1982).

⁵² This adjustment will be made by determining the value of the power for the first three years of project operation as non-firm energy only. The aggregate present worth of the first three years net benefits will be added to the aggregate present worth of the benefits in the remaining years of the license term, which include a capacity value. Levelizing the total present worth over all the years of project operation results in the annual levelized net benefits.

although reasonable equivalent alternatives can be found.⁵³ Ordinarily, where control of water flow is possible, a simple cycle, combustion gas turbine provides the lowest alternative power cost for hydro projects with annual capacity factors of 5-10 percent; a coal-fired, cycling steam unit of simple design for capacity factors of 30-40 percent; and a high-efficiency, coal-fired baseload generating unit for capacity factors of 50 percent and above.

This selection of thermal alternatives is based upon situations where the hydro capacity is largely available during system peak periods. Where a substantial portion of hydro project capacity is not available at system peak periods, these approximations do not hold. This is generally the case for power projects added to existing dams. The effective capacity at peak load periods is only a portion of the installed capacity, so that the equivalent annual capacity factor of the thermal alternative is much higher than that of the hydro project. In these situations, high-efficiency coal-fired baseload units usually prove to be the least costly alternative, even for project annual capacity factors as low as 20 percent.

C. Project Cost Determination

The Commission proposes to use the actual legitimate original cost of the constructed project to determine the net benefits of a project. In determining this actual legitimate cost, the project developer will be required to use the costing standards and the accounts set forth in Account Nos. 330-335, 350-359, and 389-399.⁵⁴ Under the proposed rule, a project developer will be required to submit, within nine months after project completion, a statement from an independent certified public accountant (CPA)⁵⁵ verifying that the claimed construction cost conforms in all

material respects to the requirements in the Uniform System of Accounts. The statement should include a listing of the amounts as recorded in each of the appropriate series of accounts. The project construction cost will be determined by the Commission based upon the cost shown in the developer's statement as certified by the CPA. Any exceptions noted by the independent CPA or any questions about the statement will be resolved initially by the Office of the Chief Accountant or, if necessary, by the Commission. If appropriate, the project construction cost can be adjusted from time to time if project works are added or retired. These adjustments could also result from a Commission compliance audit.

To complete the project power cost determination, O&M costs will have to be estimated. Licensees will be given an opportunity to submit their own O&M cost estimates, and the Commission will use these licensee estimates unless they depart significantly from reasonable forecasts based upon standard industry data. In such case, the Commission will determine the most reasonable O&M cost estimates to use. To arrive at the O&M estimates, the Commission currently intends to use the historical data of Table 4.6 of *Hydroelectric Power Evaluation*,⁵⁶ indexed to current costs by the Department of Labor's statistics on hourly earnings of electric company workers.⁵⁷

D. Determining Annual Net Benefit

Once the power value for a given project is found and once the project power costs are determined, the net benefits can be calculated. The following formula will be used.⁵⁸

$$ANB = IC \times ACF \times 8760 \times (PV - PC) \times 10^{-3}$$

where

ANB = Annual net benefit (in dollars)

continuously variable design parameters, optimized for the capacity factor of each load increment. The difference, however, is normally less than the uncertainty in cost estimations.

⁵⁴ See 18 CFR 4.1: Uniform System of Accounts, 18 CFR Part 101, including general instructions, electric plant instructions, and the instructions for Accounts 330-335, 350-359, and 389-399. For projects with installed capacity over 10,000 kW, costs under Accounts 330-335 are reported by jurisdictional utilities in FPC Form 1.

IC = Installed capacity of the project (in kW)
ACF = Annual capacity factor
8760 = Hours in a year
PV = Power value (a determined from earlier formula and expressed in cents per kWh)
PC = Project power cost (as determined from estimated O&M and actual construction costs and expressed in cents per kWh)
10⁻³ = Conversion factor

As discussed earlier, the annual charge will equal 50% of the annual net benefit (ANB), set in constant dollars as of the year project construction is completed, and adjusted yearly for inflation.

IV. Illustrative Examples of Net Benefits Determination

The Commission is providing illustrative examples of the net benefits calculation process to better demonstrate how the proposed formulas work and how the sample tabulation of selected power values will appear in the annual *Federal Register* data update notice. In this Section, the individual steps for determining power values, project power costs, and net benefits are presented and explained.

A. Power Value Data

Data of the type to be presented in the annual update have been developed using the power value methodology described above. The data are based on tax-exempt financing and show both the assumptions employed and the resulting power values for two regions, New England and Wyoming, which are expected to be representative of the highest and lowest power values respectively. The data illustrate the power values that would apply to projects completed in 1982 with 45 years remaining in the term of the license. The data are for illustrative purposes only and do not represent official determinations.

1. Least Cost Alternative Data.

⁵⁵ See 18 CFR 41.12 (defining who may qualify as an independent certified public accountant).

⁵⁶ *Supra* note 28.

⁵⁷ These statistics are published annually in United States Department of Labor, Supplement to Employment and Earnings.

⁵⁸ The net benefit is stated as cents per kilowatt of annual production. When multiplied by the annual production (installed capacity x annual capacity factor x hours in the year) and divided by 100 to convert cents to dollars, the result is the annual project net benefit in dollars.

⁵³ In normal utility operations, a combination of generating units is used to supply each increment of load in the most economical fashion. Thus, the cost of each increment of power is determined by a blending of the costs of discrete units used to provide that power increment. The power value formulas and calculations assume the ideal generating unit combination in determining the power value at each capacity factor.

The actual incremental cost is slightly higher than the cost of an ideal generating system having

	New England	Wyoming
Alternative thermal capacity	Baseload coal	Baseload Coal
Unit size (two unit plant)	600 MW	600 MW
On-line date	July 1982	July 1982
Start construction first unit	July 1975	July 1975
Operating lifetime	35 years	35 years
Average interest rate during construction, percent	7.5	7.5
Investment cost (I), \$/kW	895	868
Fuel	Bituminous	Bituminous
Heat Rate (HR), Btu/kWh	10,100	10,100

	New England	Wyoming
Maximum expected annual capacity factor thermal, (ACFT)	0.6	0.6
Fuel cost (1982), \$/million Btu	233.0	77.4
Escalation of real fuel cost, percent per year (EIA):		
July 1982 to July 1985	13.93	13.87
July 1985 to July 1990	- 2.78	0
July 1990 to July 1992	0.66	0.58
Fuel cost multiplier	1.31	1.47
Levelized cost of fuel (FL) \$/million Btu	305.2	113.8
Cost of money (zero inflation), percent	3.00	3.00
Depreciation (3%, 35-year sinking fund), percent	1.654	1.654
Annual tax rate, percent of investment	0	0
Annual insurance cost, percent of investment	0.25	0.25
Fixed charge rate (zero inflation) (FR), percent	4.904	4.904
Average fuel inventory, percent of annual consumption	20	25
Annual levelized fuel inventory cost (FIC), \$/kW	0.97	0.45
Annual levelized fixed O&M cost, \$/kW	15.92	15.82
Annual levelized administrative and general expenses, \$/kW	5.26	5.26
Annual total fixed operating cost (FOC), \$/kW	21.18	21.18
Annual levelized variable O&M cost (O&M), \$/kW	0.24	0.24
Capacity cost of alternative, $(F \times R + FIC + FOC)$, \$/kW-yr	66.04	64.20
Energy cost of alternative, $(F \times HR \times 10^{-6}) + O&M$, \$/kWh	3.32	1.39
Mechanical Availability Factor (MAF)	1.20	1.20

2. Average Marginal Energy Costs of Regional Electric Systems ("System Lambda").

1982 dollars	New England	Wyoming
For 1982, \$/kWh	5.55	0.97
For 1990, \$/kWh	5.55	1.45
For 2020, \$/kWh	3.78	1.45
Levelized cost (1982-2027), \$/kWh	4.65	1.42

3. Discussion of Least Cost Alternative Data

(a) *Selection.* A series of calculations has shown that for hydropower projects having annual capacity factors in the range of 0.3 to 0.6, and peak season capacity factors not exceeding 0.5, the least cost alternative is generally a baseload coal-fired plant. These ranges of capacity factors are used in the illustrations and are expected to reflect most hydropower projects constructed at Federal dams. To determine the appropriate size of the alternatives, it was noted that coal-fired units up to 550 MW were being constructed in the Wyoming area in the early 1980's and a unit of approximately 570 MW is planned for service in New England in the late 1980's. Consequently, a 600 MW unit size was selected as appropriate for these areas. Since the lowest investment cost per kilowatt generally results from construction of large generating units in pairs, a two-unit plant is postulated. In both areas the fuel is bituminous coal and full environmental control of stack emissions and cooling water is assumed.

(b) *Investment Cost.* The investment costs of two-unit plants completed in mid-1982, assuming construction of the first unit began in mid-1975, are calculated using the CONCEPT 5 cost estimating code. The weighted average interest rate on funds used during construction is assumed to be 7.5 percent, based on the historical record of municipal bond rates published in the

quarterly U.S. Department of the Treasury, *Treasury Bulletin*. The code automatically schedules construction expenditures and includes the total interest during construction in the aggregate construction cost. The differences in costs between the New England and Wyoming areas chiefly reflect differences in local labor rates and productivity.

(c) *Heat Rates.* The heat rates of steam electric units depend upon the steam temperature and pressures, the extent of reheat and regenerative provisions, the environmental equipment required, and the fuel characteristics, among other factors. Over the past 15 years, data compiled by the Energy Information Administration⁵⁹ show that the average operating heat rate for fossil-fueled steam electric plants has remained virtually constant, in the range of 10,350 to 10,480 Btu per kWh, despite large additions of new plants to the inventory. One factor has been the parasitic load of environmental equipment, which has consumed efficiency gains made in other areas.

Various studies⁶⁰ indicate that the design choices likely to be made by utilities would result in coal-fired steam plant heat rates at full load in the range of 9600 to 10,000 Btu per kWh. The heat

rates with bituminous coal average about 200 Btu/kWh lower than with sub-bituminous coal. Average lifetime heat rates appear to be 3-4 percent more than the full-load heat rates of units.

On the basis of these considerations, the average lifetime heat rate used for new coal-fired units completed in 1982 is 10,100 Btu/kWh for bituminous coal and 10,300 Btu/kWh for sub-bituminous coal.

(d) *Fuel Cost.* The cost of coal delivered to a power plant reflects extraction costs, which vary widely, and transportation costs, which depend on distance and mode. Since utilities try to locate generating plants to minimize total power costs (including transmission costs), large differences in delivered coal prices within an area tend to represent either (a) the existence of limited supplies of low cost coal which can serve only one or, at most, a few plants, or (b) non-optimum plant siting resulting from factors such as unavailability of cooling water, environmental requirements, or the inability to construct transmission lines. New generating plants will generally not be able to acquire coal at the lowest cost reported by existing plants, but also will not necessarily have to incur the highest coal costs. Since detailed siting analyses are not practicable, the average fuel costs of regions selected for general similarity of coal sources and costs are used as a measure of the coal cost for a new plant located in the area.

⁵⁹Energy Information Administration, *Thermal Electric Plant Construction Cost and Annual Production Expenses*.

⁶⁰Electric Power Research Institute, *Coal-Fired Power Plant Capital Cost Estimates* (May 1981).

Energy Information Administration data on delivered coal costs for all of 1982 are not now available. Consequently, 12 month average cost data through October 1982, published by EIA in its monthly report,⁴¹ are used.

(e) *Fuel Cost Escalation.* Real coal price escalation (price increases in excess of the general rate of inflation) are inevitable, in view of the progressive exhaustion of the more easily worked mineral deposits. However, the rate of escalation is influenced by technology development and the stimulus of competition with other energy sources. Forecasts of real future coal price escalation are therefore subject to much uncertainty. From 1973 through 1982, the real fuel price escalation of coal averaged 8.5 percent per year. The most recent (1981) forecast of the Energy Information Administration⁴² projected the national average real price of coal to escalate at a rate of 3.4 percent per year from 1980 to 1995. The EIA regional estimates of escalation for specific periods are used in the illustrative development of power values.

Because of the uncertainty as to the escalation of coal prices over the full term of a license and the sensitivity of the net benefit estimate to the escalation assumption, the period of assumed real fuel price escalation is presently limited to the first 10 years of project operation. The fuel escalation multipliers, shown above, convert the assumed fuel prices in each year of project operation to a levelized price, including the assumed escalation. The levelizing term is for the period from the time the project becomes available for service until the end of the licensed term. This period is taken to be 45 years in the illustrations.

(f) *System Lambda (Average Marginal Energy Cost).* Currently, larger utilities are required biannually to file with the Commission cost of service data⁴³ which include actual and projected monthly marginal energy costs.

However, the data for alternate years are not included and are not available in other published reports. Consequently, although the utility filings appear to offer a means of determining individual system average marginal energy costs, the data may not be sufficiently timely, complete, or certain for the purposes of this rulemaking. As an alternative, the average marginal energy cost on a utility system may be empirically approximated for most systems, in cents per kWh, as 1.25 times the average fuel cost, in dollars per million Btu, of fuel

used for the upper 25 percent of the system's energy requirements, applying the most costly fuels used by the system up to the amounts of each fuel actually consumed.

Areas selected for regional power value determinations will have a considerable degree of interconnection and coordination among the utilities, sometimes through formal pooling arrangements. Consequently, there will be exchanges of economy energy tending to reduce the disparities among marginal costs of individual systems. Therefore, the weighted average marginal energy cost in a region is used to establish the estimated regional power values. If the empirical fuel price estimating method is used, the regional fuel prices and amounts may be used directly to obtain the estimated regional average marginal energy cost. This method has been used for the purpose of the illustrations.

In New England, oil is the highest cost fuel and constituted 75 percent of the fuel Btu delivered in the 12 month period through October 1982. Oil supplies approximately 50 percent of total New England generation. Consequently, the cost of oil is used to estimate the

marginal energy cost in that region. In Wyoming, coal is essentially 100 percent of the fuel used for electric generation, and its price governs the marginal energy cost. In other regions, where the highest cost fuel may not be used for more than 25 percent of the energy produced, a weighted combination of the highest cost fuels must be used to estimate the marginal energy cost.

(g) *Mechanical Availability Factor.* The factor is calculated from a North American Electric Reliability Council report prepared in connection with its Generating Availability Data System (GADS). The report used for the illustrations is *Ten Year Review, 1971-1980, Report on Equipment Availability*. Outage statistics are presented for fossil fuel generating units grouped by sizes.

The EFOR for fossil units of 400 to 599 MW is 16.44 percent. For units of 600 to 799 MW, it is 20.55 percent. The average, 18.50 percent, is taken to be representative of utility expectations for 600 MW coal-fired units completed in 1982. The hydropower unit statistics are not grouped by sizes. The ten year data show an EFOR for hydro units of 1.85 percent.

Consequently, the Mechanical Availability Factor is calculated as:

$$MAF = \frac{1 - EFOR_n}{1 - EFOR_1} = \frac{.9815}{.8150} = 1.20$$

4. Illustrative Power Value Calculation.

New England Area

Project annual capacity factor = .45

Project peak season capacity factor = .35

(a) *Capacity value component:*

$$CV = [(I \times R) + FIC + FOC] \left(\frac{100}{8760} \right) \left(\frac{PSCF}{ACF} \right) (MAF)$$

$$= (\text{Alternative Capacity Cost}) \left(\frac{100}{8760} \right) \left(\frac{PSCF}{ACF} \right) (MAF)$$

$$= (66.04) \left(\frac{100}{8760} \right) \left(\frac{.35}{.45} \right) (1.20)$$

= 0.704 cents per kilowatt-hour of total project annual generation⁴⁴

⁴¹ Energy Information Administration, *Cost and Quality of Fuels for Electric Utility Plants*.

⁴² Energy Information Administration, *Annual Report to the Congress*.

⁴³ 18 CFR Part 290.

⁴⁴ The adjustment for absence of capacity value in the first three years of operation is not made in the illustrative data because of the involved nature of

that calculation. A computer program will be used to carry out the process described in footnote 52, *supra*.

(b) *Firm energy value component:*

$$EV_f = [F \times HR \times 10^{-6} + O\&M] + EV^*$$

= Alternative Energy Cost + 0

= 3.32 cents per kilowatt-hour of firm energy generation

The energy value adjustment is not

applicable since the thermal alternative will not supply as much energy as the project. In this case the firm energy of the project, by definition, is the same as the energy of the alternative, so that no adjustment is needed.

$$Z = \frac{\text{Annual generation of alternative}}{\text{Annual generation of project}} = \text{MAF} \times \text{ACFT} \times \text{PSCF}$$

$$= \frac{(1.20)(.60)(.35)}{.45} = .56 \text{ (Less than 1.0, no adjustment)}$$

When $Z = 1.0$, there is no non-firm energy supplied by the project and the difference in generation between the project and the alternative must be accounted for. The energy value adjustment is:

$$EV_n = (A-1)(EC_a - EC_\lambda)$$

Where EC_a = Energy cost of alternative, ¢/kWh

EC_λ = Marginal system energy cost (System lambda), ¢/kWh

(c) *Non-firm energy value component:*

Non-firm energy is that supplied by the project in excess of that which would be supplied by the thermal alternative of equivalent capacity. It is valued at the average marginal energy cost, or system lambda, of the electric systems in the region.

As determined from regional fuel use and fuel cost as described in the

assumptions for the illustrative data, the levelized non-firm energy value is:

$EV_n = 4.65$ cents per kilowatt-hour of non-firm generation

(d) *Total power value.*

$$PV = CV + (EV_f \times Z) + EV_n \times (1-Z)$$

$$= .70 + (3.32)(.56) + (4.65)(.44)$$

$$= 4.61 \text{ ¢/kWh}$$

5. Sample Power Values for New England.

• Total power value in cents per kilowatt-hour of project annual generation, levelized 1982-2027, in 1982 dollars.

• Coal-fired baseload alternative, tax-exempt financing.

• All non-firm energy valued at levelized system lambda, 4.65 cents/kWh.

Annual capacity factor of project	Peak season capacity factor of project	Value of capacity	Value of firm energy	Ratio, firm to total energy	Power value
.30	.20	.60	3.32	.48	4.61
	.35	1.08	3.32	.84	4.59
	.50	1.51	3.05	1.00	4.56
	.65	1.96	2.57	1.00	4.53
.45	.20	.40	3.32	.32	4.63
	.35	.70	3.32	.56	4.61
	.50	1.00	3.32	.80	4.59
	.65	1.31	3.27	1.00	4.58
.60	.20	.30	3.32	.24	4.63
	.35	.68	3.32	.42	4.62
	.50	.75	3.32	.60	4.61
	.65	.98	3.32	.78	4.59

6. Sample Power Values for Wyoming.

• Total power values in cents per kilowatt-hour of project annual generation, levelized 1982-2027, in 1982 dollars.

• Coal-fired baseload alternative, tax-exempt financing.

• All non-firm energy valued at levelized system lambda, 1.42 cents/kWh.

Annual capacity factor of project	Peak season capacity factor of project	Value of capacity	Value of firm energy	Ratio, Firm to total energy	Power value
.30	.20	.59	1.39	.48	1.99
	.35	1.02	1.39	.84	2.42
	.50	1.47	1.38	1.00	2.84
	.65	1.90	1.36	1.00	2.26
.45	.20	.39	1.39	.32	1.60
	.35	.68	1.39	.56	2.09
	.50	.96	1.39	.80	2.37
	.65	1.27	1.39	1.00	2.66
.60	.20	.29	1.39	.24	1.71
	.35	.51	1.39	.42	1.92
	.50	.73	1.39	.60	2.14
	.65	.95	1.39	.78	2.35

B. Project Power Costs

To illustrate the calculation of project power costs and the sensitivity of net

benefits to project characteristics (in Section IV.C), two projects are postulated. One is a small size, low-

head project. As with the thermal alternative power cost determinations, a 3 percent real cost of money is used for the levelizing process in the illustrations.

The project power costs are developed in the illustration as entirely fixed costs, expressed as dollars per kilowatt-year. This is a common convention to estimate net benefits. However, if the licensee submits data which separate the operating and maintenance costs into fixed and variable components, the project power costs will be developed with both components.

The illustrative data for the two assumed projects are as follows:

	Low-head, low capacity project	High-head, medium capacity project
Effective head, feet	20	200
Installed capacity, MW	5	50
Investment cost (1982)(I), \$/kW	2,200	500
Cost of money (zero inflation), percent	3.00	3.00
Depreciation (3%, 45 year sinking fund), percent	1.079	1.079
Annual tax rate, percent of investment	0	0
Annual insurance cost, percent of investment	0.10	0.10
Fixed charge rate (zero inflation)(F), percent	4.069	4.069
Annual levelized fixed O&M cost \$/kW	12.58	14.37
Annual levelized administrative and general expense, \$/kW	4.40	5.02
Annual total fixed operating cost (FOC), \$/kW	16.98	19.39
Annual levelized variable O&M cost, ¢/kWh	0	0
Annual capacity cost of project (I × F + FOC), \$/kW-yr	106.94	39.84
Annual energy cost of project, ¢/kWh	0	0

* Approximate costs are derived from Figure 7.1 of *Hydroelectric Power Evaluation*, supra note 26, and Figures 2-3 and 2-4 of the Electric Power Research Institute report *Simplified Methodology for Economic Screening of Potential Low-Head Small Capacity Hydroelectric Sites* (January 1981). Costs are adjusted to July 1982 levels and include interest during construction and an allowance for land, access roads, transmission, etc. Actual costs for different projects with the same capacity and head can vary by as much as 50 percent.

The project power cost, per kilowatt-hour, is simply the annual project cost

divided by the annual kilowatt-hours produced. Hence,

$$\text{Power cost} = \frac{\text{\$/kW-yr.}}{(8760 \text{ hrs. in year}) (\text{project annual capacity factor})}$$

Net benefit/kW-hr. = (Power value—Power cost)

$$= 4.61 - 2.71 = 1.90 \text{ cents-kWh}$$

Annual net benefit = (NB/kWh) (Capacity in kW) (ACF) (8760) (10⁻³)

$$= \$374,490/\text{year}$$

C. Net Benefits Calculation

As described above, the project annual net benefit is the saving in cost per kilowatt-hour of annual production from the project, as compared to the cost per kilowatt-hour from the least costly economic alternative, multiplied by the number of kilowatt-hours produced annually. The following illustrates the net benefit determination.

Region: New England

Project: Installed capacity: 5 MW

Head: 20 feet

Investment cost: \$2,200/kW

Annual levelized capacity cost: 106.94 \$/kW-yr.

Annual capacity factor: 0.45

Peak season capacity factor: 0.35

Power Production

(106.94/kW-yr.) (100 cents in dollars)

Cost = (8760 hrs. in year) (0.45 annual capacity factor)

= 2.71 cents per kilowatt-hour of annual generation

The following tables show, for illustrative purposes only, the net benefits that would result from the two assumed projects in New England and Wyoming, at various annual and peak season capacity factors. The sensitivity of the net benefit to the project cost and the capacity factor is shown. The smaller, high-cost per kilowatt project appears to be uneconomic in the lower power value region, except if maximum annual and peak season capacity factors are achievable.

1. Sample Annual Net Benefits in New England (1982 Dollars).

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost ¹	Net benefit ¹	Annual net benefit (dollars)
5	20	.30	.35	4.06	.59	69,426
			.65		.47	61,758

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost ¹	Net benefit ¹	Annual net benefit (dollars)
50		.45	.35	2.71	1.90	374,490
			.65		1.87	358,577
		.60	.35	2.03	2.59	680,652
			.65		2.56	672,766
		.30	.35	1.52	3.07	4,033,980
			.65		3.01	3,955,140
50		.45	.35	1.01	3.60	7,095,600
			.65		3.57	7,036,470
		.60	.35	.76	3.65	10,117,800
			.65		3.63	10,065,240

¹ Cents per kilowatt-hour.

2. Sample Annual Net Benefits in Wyoming (1982 Dollars).

Project capacity megawatt	Head feet	Annual capacity factor	Peak season capacity factor	Power cost ¹	Net benefit ¹	Annual net benefit (dollars)
5	20	.30	.35	4.06	-1.64	-215,495
			.65		-1.80	-117,120
		.45	.35	2.71	-.62	-122,202
			.65		-.05	-9,855
		.60	.35	2.03	-.11	-28,908
			.65		+ .32	+ 84,096
50	200	.30	.35	1.52	.90	1,182,600
			.65		1.74	2,266,360
		.45	.35	1.01	.06	2,128,680
			.65		1.65	3,252,150
		.60	.35	.76	1.16	3,048,480
			.65		1.59	4,178,520

¹ Cents per kilowatt-hour.

V. Application of Proposed Rule

A. Nominal Annual Charge

As determined from the estimated power value and project power cost, the estimated net benefits of a project will be a general indicator of the long-term, economic value of the project. It is possible, however, for this estimated net benefit to be zero or negative, as in some of the illustrative calculations. In such a case, if a developer otherwise can demonstrate during the licensing period that the project is economically and financially feasible,⁶⁶ the Commission proposes to charge a nominal fee of one hundred dollars per year. This amount will cover the cost of rendering the annual bill. The

Commission is not, under section 10(e) of the Act, permitted to allow a zero annual charge in any year of the project license term. Therefore, the Commission will also charge the same nominal charge of one hundred dollars per year for all years preceding the year in which the project becomes available for service (*i.e.*, when construction is complete).

B. Option To Defer Annual Charges Payment

As indicated above, the bill for each year before the project is available for service (when construction is complete) will be the nominal charge of one hundred dollars. Following the time when the project is available for service, the billed annual charges will be based upon the generic methodology described in the Notice.

For certain hydroelectric projects, however, operations in the first few years may not yield positive net revenues, particularly if the project was initially financed in an inflationary period at a high interest rate. For projects to be economical, this situation must, and normally does, reverse itself in later years with increased revenues and diminished costs. Certain developers may, therefore, have difficulty in meeting the annual charge payment when billed in the first few years of project operation unless their financing arrangements include provision for the payment of annual charges. In order to provide flexibility, the Commission is proposing to allow project developers the option to defer some annual charge payments under certain circumstances. This deferral option would be available to developers only for the first ten years following the

⁶⁶ For example, a developer might be able to show that the market price for that particular project's power will exceed the estimated regional power value.

issuance of the project license. Deferral of annual charges billed before the project is constructed and available for service (*i.e.* the nominal one hundred dollar charge) will not be permitted. Thus, the number of billed payments that can be deferred depends on the time it takes to complete project construction. Any deferred payments would accrue interest during the period of deferral.⁶⁷

Developers may elect this payment deferral option if a statement from an independent certified public accountant verifies that project revenues for that year are less than the billed annual charge amount. Of course, developers may continue to make financing arrangements that will permit annual charge payments to be made as billed regardless of yearly net revenues. Under no circumstances, however, will the deferral option be available to a developer in any year if the project revenues for that year of operation are sufficient to meet the annual charge payment as billed.

C. Projects Subject to Rule

The Commission proposes to apply this net benefit methodology to four categories of projects using Government dams or other structures. This first three categories are: (1) Projects for which licenses are issued after the effective date of this rule, (2) projects that are being relicensed, and (3) projects whose annual charges are being readjusted.

The fourth category covers those projects whose licenses, because of the pendency of this rulemaking, do not specify an exact annual charge amount to be billed. For currently licensed projects, these licenses generally either (a) prescribe a maximum amount, which the annual charge established by the rulemaking cannot exceed; or (b) state that the annual charge will be that determined by this rulemaking. The final rule in this docket will also be applied to these types of projects and licensees.

Other projects, completed before the effective date of this rule and for which specified annual charges are now being collected, will not be subject to this rule.

In addition, pumped storage projects using Government dams or other structures would not be subject to the proposed general methodology for

determining annual charges. In practice, it is considerably more difficult to establish a reasonably accurate estimate of power value for a pumped storage project than for a conventional project. The power value depends critically upon the using utility's hourly load curve, which changes with the season of the year and with the generation mix of the specific utility. A generalized estimate of power value would require numerous assumptions that would not fit many projects. The resulting net benefits determination is, therefore, likely not to have acceptable accuracy.

Because of these problems, this rule will not cover annual charges for pumped storage projects using Federal dams. There are only 18 Commission licenses that have been issued for pumped storage projects, and only one is for a project at Government dam. Since pumped storage projects at Federal dams will account for such a small proportion of the total number of projects subject to section 10(e) annual charges, the Commission will determine the annual charges for these projects on a case-by-case basis.

D. Submission of Actual Cost Data

Under the proposed rule, each project developer must submit a statement from an independent certified public accountant that verifies the actual legitimate cost of constructing the project. This statement is to be filed with the Commission within nine months after project construction is completed. In addition, this statement must certify that the claimed construction cost conforms in all material respects to the accounting requirements of Account Nos. 330-335, 350-359, and 389-399 in the Uniform System of Accounts, 18 CFR Part 101. Where there are variances, they will be resolved by the Commission. The rectified cost figures will be used in the calculation of project net benefits and annual charges.

Because the requirement for a statement verifying the actual project cost under this proposed rule differs slightly from the current reporting burden, there may be a new reporting burden under the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.* The Commission intends to obtain any necessary clearances from the Office of Management and Budget pursuant to normal procedures.

E. Readjustments and Relicensing

As provided under section 10(e) of the FPA, an annual charge can be readjusted at specific points beginning with 20 years after a project is available

for service. The indexing of annual charges to the GNP Deflator should make it less likely that readjustments will be necessary. However, some uncertainties, such as estimating long-term real fuel cost escalation, may lead to the need for readjustments. Nothing in this rule is intended to affect the right to request or to conduct a readjustment pursuant to section 10(e). The Commission proposes to apply the generic methodology discussed in this Notice for any readjustment, subject to statutory notice and opportunity for hearing on the need for a readjustment.

Once a project license expires, section 15 of the FPA provides for relicensing of the project. At that time, the Commission is entitled to impose a new annual charge on the holder of the new license. This rulemaking also applies to determination of annual charges in these relicensing situations. Since this rulemaking proposes to adopt standard techniques for determining net benefits of a project, this rule is equally suitable for relicensed projects. The determination of net benefits in relicensing situations will be based upon that period of time covered by the new license.

F. Inflation Adjustment or Indexing

As described above, the net benefits determination will yield a number representing the total annual net benefits conferred upon a licensee. This number will be expressed as an amount in dollars of the year in which the project is completed. Fifty percent of that constant dollar amount represents the yearly annual charge that will be billed to the licensee. The Commission proposes to maintain the real worth of the annual charges by adjusting that amount according to the GNP Deflator. Thus, while the actual billed amount will vary each year depending on inflation, the economic value of the payment will remain the same.

In situations such as this, where the benefit of a project is to be expressed in monetary units, the fact of inflation is critical to the calculation. For correct determinations, the net benefit of a project should be expressed in terms of constant economic units. To achieve the objective of normalizing the annual costs and benefits in each future year to a constant economic unit (here a constant dollar measure), present worthing of the costs and benefits to the starting year is employed. This technique factors out inflation as long as the assumed inflation rate determining the level of costs in future years and the assumed nominal interest (discount) rate are properly related. After the

⁶⁷No interest would be collected on any annual charge payments until the deferral had actually begun, that is, after the billing of the annual charge for the year in which the project becomes available for service. The interest rate applied will be that specified in 18 CFR 35.19(a)(2)(iii). The Commission may, in its discretion, grant a licensee's request to defer payments over successive years, starting with the eleventh year. For example, deferred payments for years 5, 6, and 7 could be due in years 11, 12, and 13.

annual "inflation-free" net benefits amount is determined, dollar shrinkage is taken into account by the inflation adjustment per the GNP Deflator.^{65 74} In addition to making annual payments equal in economic value, this indexing scheme should allow annual charge payments to be better matched to actual project revenues (which also increase with inflation).

The current case-by-case SNB method of levelizing costs and benefits, using estimated interest rates, includes a built-in projection of inflation. If this method were used to set the annual charges for use of a Federal dam, the aggregate payments over the life of the project give the Government its fair share of the net benefit only if the actual inflation rate matches the assumed rate. Further, this method of levelized current dollar accounts requires payments in the early years representing a greater economic value than those made in later years, with a correspondingly greater economic burden on the licensee in the early years.

Thus, for reasons of accuracy and equity, the Commission is proposing to determine project net benefits using the real inflation-free cost of money. Based on a review of available data and rates adopted by other agencies, the Commission believes the real, long-term, inflation-free interest rates to be approximately 3½ to 4% for private financing and 2½ to 3% for public financing. Because lower interest rates often, but not always, tend to increase the estimated net benefits, the Commission proposes to apply a rate of 4% for private financing and 3% for public financing. These rates will allow for reasonable, but conservative, estimates of net benefits and determinations of annual charges.

G. Annual Update of Power Value Data and Inflation Adjustment Factor

The Commission proposes to issue an annual update of the basic data used to determine regional power values and of the tables showing sample power values for selected project capacity factors. The data will establish the regional power value data applicable to all projects completed or relicensed in that year and to all projects undergoing readjustment of annual charges under section 10(e) procedures. Except for relicensing and readjustment situations, the update would not affect the power values or net benefit determinations for projects

completed in other years. The updating will serve primarily to keep the power value calculations up to date. The update will use the annual fuel cost data from EIA's *Cost and Quality of Fuels for Electric Utility Plants*, revised thermal alternative investment costs from the Concept-5 code,⁶⁶ updated Department of Labor data on electric utility costs,⁶⁷ and NERC data on projected regional peak loads and reserve margins.⁷¹

The annual updating will also include the inflation adjustment factor that will be applied to all annual charges billed during that year. As discussed earlier, this adjustment factor will be equal to the level of inflation or deflation for the past year, based upon the GNP Deflator. The Commission believes this inflation index to be appropriate, but invites comment on whether another inflation index would be more suitable than the GNP Deflator.

The annual update is expected to be published in the *Federal Register* in the first half of a given calendar year, depending on how quickly the previous year's data becomes available. Once the updating is finished, the yearly billing for annual charges will be sent to project licensees.

H. Licensee Contributions to Dam Construction and Approval of Secretary of Interior

This rulemaking implements section 10(e) of the Federal Power Act by setting a reasonable annual charge based upon the net benefits of the hydroproject. Section 10(e) makes it clear that the Commission is responsible for fixing the charge; that responsibility is being discharged in rulemaking. The Commission, to meet section 10(e) and to fulfill its unilateral licensing authority under section 4(e), must be in a position to ensure that the Government receives its fair share of Federal benefits conferred on non-Federal licensees. Commission licensees at dams owned by the United States Bureau of Reclamation (BuRec) sometimes make arrangements to pay for some or all the cost of dam construction. The Commission is of the opinion that it is inappropriate to allow a credit for these payments to BuRec against the billed annual charges under section 10(e) of the FPA. The BuRec payments are normally designed to repay the costs of construction of the dam or for benefits not related to power produced at the

dam. As a result, these payments to BuRec would not qualify in nature as section 10(e) payments, which are intended to value economic benefits conferred by the Government by looking to the least costly alternative source of power and the project powerhouse costs (not dam construction costs).⁷²

As mentioned earlier, one clause of section 10(e) states that annual charges fixed by the Commission for reclamation projects are "subject to the approval of the Secretary of the Interior." Conversely, section 10(e) also states without qualification that "but in no case shall a license be issued free of charge for the development of power created by a Government dam and that the amount charged therefor in any license shall be such as determined by the Commission" (emphasis added).⁷³ The Commission believes that, in light of its responsibilities under section 4(e) and the language in section 10(e), the Commission itself is responsible for determining the annual charges to be paid by licensees. This is consistent with the court's opinion in *Montana Power Co. v. FPC*.⁷⁴ As mentioned in *Montana Power*, the Secretary has the right to intervene into those licensing proceedings and to recommend an annual charge. If the Secretary of the Interior does not agree with the amount fixed by the Commission, he may register his disagreement with the Commission on rehearing of the licensing order. If the Secretary continues to maintain that the Commission's determination of the annual charge is unreasonable, the Secretary may appeal that determination to the courts.

To interpret section 10(e) differently would grant the Secretary a unilateral veto power over Commission annual charges. This result would be significantly at variance with the language of section 10(e), the court's specific language in *Montana Power*, and the scheme of statutory powers over

⁷² See, e.g., *Solano Irrig. Dist.*, 19 FERC ¶ 61,329 (May 25, 1962); 14 FERC ¶ 61,089 (Jan. 28, 1981). The Commission's determination of annual charges under section 10(e) is independent of any determination made by the BuRec under section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485b(c)(1976). *East Colum. Basin Irrig. Dist.*, 21 FERC ¶ 61,091 (Nov. 22, 1982).

⁷³ This unilateral power to set annual charges is also echoed by the initial clause of section 10(e), which states "the licensee shall pay to the United States reasonable annual charges in an amount fixed by the Commission . . . for recompensing it for the use, occupancy, and enjoyment of its lands or other property . . ."

⁷⁴ 459 F.2d 863 (D.C. Cir. 1972). This case involves annual charges for a project on tribal lands. However, the "approval clause" is equally applicable to projects at Government dams and to projects on Indian lands.

⁶⁵ For maximum precision, the inflation index applied should exclude real fuel price escalation since a forecast of such escalation was used in determining the net benefit estimate. However, the resultant difference in the inflation index is likely to be so small as to be not significant.

⁶⁶ Note 21, *supra*.

⁶⁷ These data are published annually by the United States Department of Labor in its *Supplement to Employment and Earnings*.

⁷¹ These data are found in the annual publication of the North American Electric Reliability Council, *Electric Power Supply and Demand*.

hydroelectric power licensing committed to the jurisdiction of this Commission.

VI. Other Alternatives Considered

Several alternatives have been considered. These include: (1) A flat rate charge for project energy produced; (2) a flat charge per project; (3) case-by-case sharing of the benefits based on actual revenues (royalty method); and (4) codification of the current case-by-case, sharing of the net benefits (SNB) method.

The Commission has concluded, first, that a generic net benefits method is most appropriate. A generic method will save the Commission and licensees considerable expenditure of time and resources. The unpredictability and variations inherent in case-by-case estimates of net benefits are also avoided. By reducing this unpredictability, a generic method will help to meet the needs of applicants, lending and grant agencies, financial institutions, and others who must predict annual charges as a part of their planning and financial decisions on the economics of a project.

A. Flat Rate Charge for Project Energy Produced

Under this method, a licensee would be charged a flat rate—in cents per kilowatt hour—for each kilowatt hour of energy produced at the project. Either regional or national rates could be created. The regional or national rate would be based on the average net benefit per kilowatt hour for the previous year, estimated from recorded regional or national costs of energy from thermal generation⁷⁵ and recorded regional or national costs of hydro projects at Government dams.⁷⁶ The Commission could set the rate at some percentage of the average estimated net benefits per kilowatt hour.

This method would appear, at first glance, to be relatively simple to calculate and to apply. Annual cost data, not now required from licensees, would have to be obtained, but some of the necessary data are published regularly. Redetermination of the kilowatt hour charge each year would

provide an adjustment for inflation with relatively little burden on the Commission staff. The charge would also be fairly predictable since a developer could estimate an annual charge by simply multiplying the most current published rate by the expected annual project output.

There are, however, significant disadvantages to this approach. First, this method would not recognize the enormous variations between projects and project net benefits. Any kilowatt hour charge method would discourage development of the projects having marginal net benefits, unless the charge is set so low as to return to the Government only a small portion of the actual net benefits.

Second, since the flat rate method does not assess charges proportional to the value of the benefits received by an individual licensee, this approach may not comport with section 10(e), at least as interpreted by *Vanceburg*. In addition, this method uses alternative energy costs as the only measure of power value. This allows for no capacity benefits, an assumption that may not be valid for all projects. Finally, there are certain theoretical and mathematical problems associated with the averaging process that is the basis of this method. These would have to be minimized, to the extent possible, in any rule based upon this method.

B. Flat Charge Per Project

Under this method, all licensees using Government dams would be assessed the same charge. This approach would be easily administered and would, in one way, treat all licensees uniformly.

The disadvantages of this method are substantial. The annual charge would not depend on the specific characteristics of a project and would not be proportioned to the value conferred by the Government dam. Also, the proportion of the charge to the value conferred would be different for each project. This would require additional justification. Setting a low charge would be essential to avoid discouraging the development of hydro project with more marginal levels of benefits. This would not provide a reasonable return to the United States. If the annual charge were set higher, the resulting disincentive to develop marginally economical projects would be contrary to section 10(e) of the FPA and to the Commission's other statutory obligations to encourage hydropower development.⁷⁷

C. Sharing of the Benefits Based on Actual Revenues (Royalty Method)

This method would calculate a licensee's "actual" annual net benefit using yearly cost, revenue, and tax data from the licensee's own records together with regional data on electric utility running costs and firm power rates. The annual charge would be a fixed percentage share of this "actual" benefit.

Under this method, there would be no need to forecast the value of benefits conferred over the life of the project since the charge would be based on actual benefits received, measured in current year dollars. The method would reflect the effect of inflation and the changes in the value of electricity. The charge is likely to be low in early years, but would grow over the term of the project license, approximately tracking project net revenues. Over the project life, the aggregate value of the charges would approximate the specified share of the aggregate net benefit conferred.

This case-by-case approach, however, would involve a substantial burden each year on the Commission and on all licensees of projects at Government dams. The effort necessary to administer an actual benefit (or royalty) method, perhaps even in a single year, could easily be more than a one-time effort to determine annual charges based on an estimated net benefits approach. Each project would have to be reanalyzed every year, rather than being analyzed only once as a newly-licensed project.

A royalty charge based on actual revenues also depends considerably on a licensee's own business and management ability. Thus, the value of the hydropower resource would become less significant in setting the annual charge. Another disadvantage stems from the need to monitor and calculate actual revenues and costs on a yearly basis. At a minimum, significant recordkeeping and reporting requirements would be imposed on the licensee. Aside from this regulatory burden on licensees, the public availability of the necessary financial data could be a source of concern to private developers who consider such information to be proprietary and confidential.

Some other problems are inherent in this approach. Where a private developer sells the entire project output to an electric utility, the net income of a project after taxes can be calculated. However, where a developer itself uses same or all of the project output, the Commission would be forced to impute

⁷⁵ The average cost can be calculated by using Department of Energy-Energy Information Administration (EIA) data and from tables in EIA's *Statistics of Privately-Owned Electric Utilities*, which shows total thermal plant production expenses and total kilowatt hours produced.

⁷⁶ This determination would, in part, involve finding the average plant capacity factor, average operation and maintenance costs, and average fixed costs for groups of such hydroelectric power plants at various net benefit levels. This method would also require estimation of the relative contribution of each group to the aggregate net benefits of all projects.

⁷⁷ *City of Vanceburg v. FERC*, 571 F.2d 830 (D.C. Cir. 1977); Section 402 of the Energy Security Act of 1980, Pub. L. 96-294, 94 Stat. 611; Section 401 of the Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2701.

revenues and a net return. While prevailing purchase rates for that project or similar projects could be used, any estimates would be controversial, particularly if not done in a standard and consistent way. The Commission believes the need to perform these types of estimates leads to difficulties that are more significant than would be present in the method proposed in this Notice.

D. Codification of the Current Case-by-Case SNB Method

Fixed, current dollar annual charges have been traditionally established at the time of licensing on a case-by-case basis using the four-step SNB method. One option is to retain this traditional method and to codify it in the regulations. However, case-by-case application of the SNB method is not viewed as an acceptable approach. To determine both project power costs and the value of the least costly power from an alternative source, the SNB method requires individual, project-by-project estimates of project construction costs, long-term inflation rates, applicable interest rates, fuel costs, utility power purchase rates, O&M costs, and so on. All of these items cause considerable controversy in many licensing proceedings. The result is that substantial Commission staff time is consumed in fixing the annual charges to be included in a project license. There is also no absolute assurance of uniformity between individual licensing proceedings in setting the annual charges. Moreover, a developer planning a project has significant difficulty in estimating in advance what the annual charge will be. Even though the traditional detailed examination of the specifics of each case has the potential for most accurately reflecting local conditions in measuring the net benefit of each individual project, it cannot adequately account for the uncertainties of future rates of inflation or deflation. As a result, these inherent disadvantages militate against codifying this case-by-case methodology.

VII. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612) requires agencies to prepare certain statements, descriptions, and analyses of proposed rules that, if promulgated, will have a significant economic impact on a substantial number of small entities. The Commission is not required to make such analyses if a proposed rule will not have such an impact.

Most electric utilities and many hydroelectric developers do not fall

within the RFA's definition of small entity.⁷⁸

In addition, out of a total of 796 hydroelectric project licensees, only 41 licensees (5%) are involved with projects using Government dams and other structures. Similarly, out of a total of 875 pending hydro license and permit applications, only 117 (13%) are for projects using Government dams. These figures reveal that this rule would not affect a substantial number of small entities even among those now subject to Commission jurisdiction. This is even more evident when measured against the large number of potential hydroelectric applicants that might seek Commission licenses.

The economic impact on licensees from this rule is also not likely to be significant. First, there is no assurance that any annual charge would be significantly different in amount from that imposed through the present adjudicatory approach. Second, the sharing of the net benefits necessarily implies that economic benefits, over and above project costs, are being split equitably between the United States and the developers pursuant to section 10(e) of the Federal Power Act. Third, the proposed rule will help to alleviate some of the uncertainty for licensees when making financial decisions. Fourth, the resources now spent in individual licensing proceedings would be saved. Fifth, the use of a yearly inflation adjustment factor will eliminate possibly significant miscalculations in forecasting inflation trends, and will ensure that inflation or deflation is properly taken into account when the annual charges are billed each year. Finally, the deferral option will lessen the burden on licensees for the first, less profitable years of project operation. For these reasons, the Commission does not believe that the economic impact of this rule will be "significant," at least within the meaning of the RFA.

Pursuant to section 605(b) of the FRA, therefore, the Commission certifies that this rule, if promulgated, will not have a "significant economic impact on a substantial number of small entities."

VIII. Finding of No Significant Environmental Impact

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(C), the Commission

finds that this rule, if promulgated, would not significantly affect the quality of the human environment. A developer's decision to proceed with a project using a Government dam is based upon an estimate of the value of the power produced versus the cost of producing that power. If the value exceeds the costs involved, the developer will, absent other constraints, most likely decide the project is economical and will build it. The developer is not likely to be dissuaded by the annual charge to the Government, since the developer will still realize 50% of the economic benefits from the project. Project size, site characteristics, and the cost of available, alternative sources of power will be the critical factors in the decision to build or not build a given project. The generic methodology proposed in this rule seeks to provide procedures designed to identify and quantify these factors. The rule does not itself affect the decision to construct a project.

As a result, this proposed rule does not significantly affect quality of the human environment. Consequently, the Commission does not believe that an Environmental Assessment or an Environmental Impact Statement needs to be prepared for this proposed rule. Of course, an appropriate environmental analysis, include possibly an EA or EIS, will continue to be made in connection with individual project applications filed with the Commission.

IX. Public Comment Procedure

The Commission invites interested persons to submit written data, views, and other information concerning matters set out in this Notice. The Commission is particularly interested in receiving comments from the Department of the Interior, the Army Corps of Engineers, and the Bureau of Reclamation. All comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM83-13-000. An original and 14 copies should be filed. Comments must be received by the Commission no later than May 16, 1983. The Commission does not contemplate any extension of this comment period.

All written comments will be placed in the Commission's public file and will be available for public inspection during regular business hours at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

⁷⁸ 5 U.S.C. 601(3) citing to section 3 of the Small Business Act, 15 U.S.C. 632 (Supp. IV 1980). Section 3 of the Small Business Act defines a "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation. See also SBA's, Small Business Size Standards, 13 CFR Part 121 (1982).

List of Subjects**18 CFR Part 4**

Electric Power, Reporting and recordkeeping requirements.

18 CFR Part 11

Electric power.

(Federal Power Act, as amended, 16 U.S.C. 792-828c (1976); Department of Energy Organization Act, 42 U.S.C. 7107-7352 (Supp. IV 1980); E.O. 12009, 3 CFR 142 (1982); 5 U.S.C. 553 (Supp. IV 1980).)

In consideration of the foregoing, the Commission proposes to amend Parts 4 and 11, Title 18, Chapter 1, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Kenneth F. Plumb,
Secretary.

**PART 4—LICENSES, PERMITS,
EXEMPTIONS, AND DETERMINATION
OF PROJECT COSTS**

**Subpart A—Determination of Cost of
Projects Constructed Under License**

1. Section 4.1(a) is revised to read as follows:

§ 4.1 Initial cost statement.

(a) *Notification of Commission.* Except for projects subject to § 11.22 which use Government dams or other structures owned by the United States, if a project is constructed under a license issued under the Federal Power Act, the licensee must, within one year after the project is available for service, file with the commission a letter, in quadruplicate, declaring that the original costs have been recorded in compliance with the Commission's Uniform System of Accounts and the books of accounts are ready for audit. For projects governed by § 11.22, the licensee must file the letter required under this section within nine months after the project is available for service and must also meet the requirements in § 11.22(d) (4) and (e).

2. In Part 11, the table of contents is amended by revising the title of § 11.22 and adding a new § 11.22a, to read as follows:

**PART 11— ANNUAL CHARGES UNDER
PART I OF THE FEDERAL POWER ACT**

Sec.

11.22 Annual charges for use of Government dams or other structures under section 10(e) of the Act, excluding pumped storage projects.

Sec.

11.22a Annual charges for pumped storage projects using Government dams or other structures and for use of tribal lands.

3. Section 11.22 is revised to read as follows:

§ 11.22 Annual charges for use of Government dams or other structures under section 10(e) of the Act, excluding pumped storage projects.

(a) *Applicability.* This section applies to any non-Federal hydroelectric power project, except for pumped storage projects, that uses for electric power generation a dam or other structure owned by the United States.

(b) *Definitions.* For purposes of this section, the following definitions are applicable:

(1) "Annual Capacity Factor" or "ACF" means, for a hydropower project, the ratio resulting from dividing the average annual generation expected from the project (in kilowatt hours) by the product of the hours in a year (8760) and the project's installed capacity (in kilowatts).

(2) "Annual Capacity Factor Thermal" or "ACFT" means, for a thermal generation alternative, the ratio resulting from dividing the average maximum generation expected from the thermal alternative (in kilowatt hours) by the product of the hours in a year (8760) and the thermal alternative's installed capacity (in kilowatts).

(3) "Construction cost" means the total investment directly related to placing a generating unit in service. For licensed projects, this includes the items in Account Nos. 330-335 and 350-359 in the Commission's Uniform System of Accounts, 18 CFR Part 101.

(4) "Fixed Operating Costs" or "FOC" means the fixed operation, maintenance, administrative, and other general costs which do not vary with the amount of electricity produced. These costs are included in (as appropriate) Account Nos. 500-14, 535-45, and 546-54 in the Commission's Uniform System of Accounts 18 CFR Part 101.

(5) "Government dam" means a dam or other structure owned or constructed by the United States, or an agency thereof, for Government purposes with or without financial contributions or repayments by others.

(6) "Levelized" means the conversion of a series of varying costs or benefits for a number of sequential time periods into a uniform series of costs or benefits over the same number of time periods, where the uniform series of costs or benefits have the same total present value as the varying series. For this rule, levelization will be for the period from the time when the project is available

for service until the end of the term of the license.

(7) "Licensee" means any person, state, or municipality licensed under the provisions of Part I of the Federal Power Act, and any assignee or successor or interest thereof.

(8) "Net Benefit" or "Net Benefits" means the difference between the cost of power produced at the licensed project and the cost of equivalent wholesale electric power produced by the least costly alternative source(s).

(9) "Operation and Maintenance Costs" or "O&M" means the variable operation and maintenance costs for generating electricity that depend on the amount of electricity produced. These are included in Account Nos. 500-14, 535-45, and 546-54 of the Commission's Uniform System of Accounts, 18 CFR Part 101.

(10) "Peak Season" or "Peak Load Season" means the three-month period in which a region's electric power system or systems experience the maximum seasonal electric demand.

(11) "Peak Season Capacity Factor" or "PSCF" means, for a hydropower project, the ratio resulting from dividing the average generation expected to be produced in the peak load season (in kilowatt hours) by the product of the number of hours in the peak load season and the project's installed capacity (in kilowatts).

(c) *General Rule.* (1) Except as otherwise permitted under subparagraph (c)(2), any licensee whose licensed, non-Federal project uses a Government dam for electric power generation must pay the United States an annual charge for use of such dam, as determined in accordance with this section. Payment of such annual charge is in addition to any reimbursement paid by a licensee for costs incurred by the United States as a direct result of the licensee's project development at such Government dam.

(2) Any licensee that is obligated under the terms of a license, issued on or before [insert the effective date of this section], to pay specified annual charges for the use of a Government dam must continue to pay the annual charges prescribed in the project license, pending any readjustment of the annual charge for the project under this section made pursuant to section 10(e) of the Federal Power Act.

(d) *Computation of Annual Charge.* The annual charge for each licensed project that uses a Government dam will be determined according to the terms of this paragraph.

(1) *Annual Charge.* The annual charge is fifty percent (50%) of the Annual Net

Benefit (ANB) computed for the project under subparagraph (c)(2), subject to an inflation adjustment. The inflation adjustment will be established each year by the Commission based upon the Gross National Product Deflator for that year, as determined by the United States Department of Commerce.

(2) *Annual Net Benefit (ANB)*. (i) The ANB shall be calculated as the difference between the Annual Power Value (APV) and the Annual Project Power Cost (APPC).

(ii) The ANB is the levelized annual amount equivalent to the aggregate present worth of project net benefits from the time the project becomes available for service until the end of the license term. The ANB will be stated in constant dollars as of the year in which the project becomes available for service.

(iii) Except for relicensed projects and for readjustments of any annual charge,

$$CV = \frac{(I \times R) + FIC + FOC}{ACF \times 8760} \times 100 \times PSCF \times MAF$$

where

CV = Levelized capacity value of the project (in cents per kWh).

I = Investment (construction cost) of least costly alternative generating unit completed in the same year as the project (in dollars per kW of capacity).

R = Annual fixed charge rate (decimal).

ACF = Annual capacity factor of project (decimal).

FIC = Annual levelized cost of fuel inventory for thermal alternative (in dollars per kW of installed capacity).

FOC = Annual levelized fixed operating costs for thermal alternative (in dollars per kW of installed capacity).

PSCF = Capacity factor of project during peak load season (decimal).

MAF = Mechanical availability factor (decimal).

(B) The Energy Value component is determined by the following formula:

$$EV = (F \times HR \times 10^{-6}) + O\&M + EV_{\lambda} \text{ if } Z \geq 1.0, \\ \text{or} \\ EV = [(F \times HR \times 10^{-6}) + O\&M](Z) + EV_{\lambda} \times (1 - Z) \\ \text{if } Z < 1.0$$

where

EV = Levelized total energy value (in cents per kWh).

F = Levelized cost of fuel (in cents per million Btu).

HR = Heat rate of thermal alternative generating unit (in Btu per kWh).

10^{-6} = Conversion factor.

O&M = Levelized variable operating and maintenance costs of thermal alternative (in cents per kWh).

the ANB is determined for each licensed project as of the year the project becomes available for service (completion of construction) in accordance with the applicable regional APV established by the Commission under subparagraph (c)(3). For relicensed projects and for readjustments of any annual charge, the ANB is determined, respectively, as of the year in which the relicensing or readjustment proceeding is begun.

(3) *Annual Power Value (APV)*. The APV is the annual levelized cost of equivalent electric power provided by the least costly regional alternative source or sources.

(i) The APV is the sum of two components: a Capacity Value (CV) component and an Energy Value (EV) component.

(A) The CV component is determined by the following formula:

EV_λ = Energy value adjustment, computed in accord with procedures described in United States Dep't of Energy, Federal Energy Regulatory Commission, *Hydroelectric Power Evaluation* (DOE/FERC-0031 August 1979).

EV_λ = Levelized annual average system incremental cost of energy or system lambda (in cents per kWh).

Z = Maximum expected annual generation of alternative, divided by expected annual generation of project, expressed as

$$\frac{MAF \times ACF \times PSCF}{ACF}$$

MAF = Mechanical availability factor, expressed as

1-EFOR of hydro unit

1-EFOR of thermal unit

EFOR = Equivalent forced outage rate for type of generation.

(4) *Annual Project Power Cost (APPC)*. The Annual Project Power Cost (APPC) is the annual levelized cost of power, including fixed charges,

operation, maintenance, and administrative costs of the project. Construction costs, a principle part of fixed charges, are determined by the Commission after examining the cost statement submitted by a licensee pursuant to § 11.22(e), as verified by an independent certified public accountant. Any variance between this cost statement and the amounts recorded in Account Nos. 330-335, 350-359, and 389-399 of the Uniform System of Accounts, 18 CFR Part 101, will be resolved by the Office of the Chief Accountant or, if necessary, by the Commission. Project operation, maintenance, and administrative costs will be estimated by the Commission using licensee-supplied estimates, if any, and generalized cost data for hydropower projects.

(5) *Nominal Annual Charges*. Prior to the time a project becomes available for service and the annual charge is determined under paragraphs (c)(1) through (c)(4) of this section a nominal annual charge of one hundred dollars will be billed to the licensee.

(e) *Licensee Cost Statement*. In connection with all licenses issued after [insert effective date of this section], for projects using Government dams, the licensee shall prepare and submit, within nine months after project construction is complete, a statement detailing the total actual legitimate cost of constructing the project. This statement must contain a listing of the claimed amounts which are recorded in Account Nos. 330-335, 350-359, and 389-399 in the Commission's Uniform System of Accounts, 18 CFR Part 101. This statement must also be verified by an independent certified public accountant, who must certify that the claimed construction cost conforms in all material respects to the requirements of the Commission's Uniform Systems of Accounts.

(f) *Method of payment*. (1) Any licensee required to pay an annual charge under this section must submit payment according to this paragraph and the terms of the annual billing given to the licensee pursuant to § 11.31 of this chapter. The annual billing will reflect an annual charge computed in accordance with this section.

(2) If, during any of the first ten years following the issuance of the project license, the net revenues from project operation for a given year are less than the billed annual charge for that year, the project licensee may, at its option,

defer payment of the annual charge as follows.

(i) The licensee must request payment deferral under this subparagraph not later than 45 days after the rendition of the annual charges bill. Any payment deferral request must be accompanied by a supporting statement from an independent certified public accountant verifying that project net revenues for the current year do not exceed the billed annual charge for that year. No requests for deferral will be accepted after the first ten years following the issuance of the project license.

(ii) Upon receipt of a deferral request and supporting statement, the Commission will defer the annual charge payment until after the tenth year of the project license.

(iii) After the tenth year of the project license, a bill will be rendered for both the payment of any deferred annual charges, plus interest for the period of deferral, and the annual charge for the eleventh year of the project license.

(iv) If a licensee obtains deferral of more than one annual charge payment under this paragraph, the licensee may request that the Commission bill these other deferred payments, plus interest for the period of deferral, on a graduated basis in the year or years following the tenth year of the project license. No payment may be deferred beyond the twentieth year after the project license is issued.

(v) No deferral will be allowed for nominal annual charge payments billed prior to the time the project becomes available for service.

(3) The interest rate on any annual charge payments deferred under paragraph (e)(2) of this section is the rate determined under 18 CFR 35.19a(a)(2)(iii).

(4) Any licensee that receives a billing for annual charges under this paragraph must pay the billed amount on or before 45 days after the date on which the Commission renders the bill.

(5) If a licensee makes an estimated annual payment or payments before a bill is rendered, the licensee's next bill will include an adjustment of the payment amount that reflects any overpayment or underpayment.

4. Part 11 is amended by adding a new § 11.22a, to read as follows:

§ 11.22a Annual charges for pumped storage projects using Government dams or other structures and for use of tribal lands.

In accordance with section 10(e) of the Federal Power Act, the Commission will determine, on a case-by-case basis, the annual charges for any pumped storage project using a Government dam

or other structure and for the use of tribal lands within Indian reservations.

5. Section 11.28 is revised to read as follows:

§ 11.28 Effective date.

All annual charges, except those imposed under section 10(f) of the Federal Power Act, will commence upon the effective date of the license unless some other date or dates are fixed in the license.

6. In § 11.31, paragraph (a) is revised to read as follows:

§ 11.31 Time for payment, protest or request for hearing; penalties.

(a) *Payment of annual charges.* Unless otherwise permitted under § 11.22, annual charges (except those for headwater benefits) must be paid within 45 days of rendition of a bill therefor by the Commission. Annual charges for headwater benefits must be paid within 60 days of the date on which the Commission renders a bill therefor.

[FR Doc. 83-8014 Filed 4-6-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

Proposed Customs Regulations Amendment Relating to the Generalized System of Preferences

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the definition of the term "imported directly," to expand that definition to allow treatment under the Generalized System of Preferences ("GSP") for eligible articles which: (1) Originate in a beneficiary developing country, (2) are shipped to a developed country and auctioned there, and (3) then shipped to the United States.

By allowing those eligible articles to be entered free of Customs duty, the beneficiary developing countries of which they are products, would obtain the intended benefit established by the GSP.

DATES: Comments must be received on or before May 9, 1983. A comment period of only 30 days is being provided for this proposal in order that a decision may be made in time to be effective prior to the next annual sale of Cameroon Tobacco in June of 1983.

ADDRESS: Comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention:

Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Paul Ciguere, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8234).

SUPPLEMENTARY INFORMATION:

Background

Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461-2465), authorizes the President to establish a Generalized System of Preferences (GSP) to provide duty-free treatment for eligible articles imported directly from designated beneficiary developing countries (BDCs). BDCs and articles eligible for GSP treatment are designated by the President by Executive Order in accordance with the provisions of the Trade Act. The Customs Regulations issued to administer the GSP are contained in §§ 10.171-10.178 (19 CFR 10.171-10.178).

By Executive Order 12311 of June 29, 1981, the President first extended GSP treatment to "wrapper tobacco." Wrapper tobacco is that quality of leaf tobacco which has the requisite color, texture, size, and burn, to be suitable for cigar wrappers. However, counsel for the Cigar Association of America, Inc., has informed Customs that "Cameroon wrapper" tobacco, grown in the United Cameroon Republic and the Central African Republic (both BDCs), cannot obtain the benefit of GSP because, under normal marketing procedures, the entire production of wrapper tobacco from these countries is shipped to France (not a BDC) where it is sold at auction and some is later exported to the United States. While in France, the bulk of the wrapper tobacco is held in bonded warehouse at the port of Le Havre, as the actual auction of the product by lot on the basis of sample bales, is held in Paris. The warehoused wrapper is subject to no manipulation or processing other than fumigation and preparation for shipment (i.e., reloading) after sale. Furthermore, the wrapper tobacco does not enter the commerce of France, except for the sale at auction.

Section 503 of the Trade Act of 1974, as amended (19 U.S.C. 2463), provides that duty-free treatment of articles designated eligible for GSP shall apply only "to an article which is imported directly from a beneficiary developing country into the customs territory of the United States, * * *" (emphasis supplied). The term "imported directly" is defined in § 10.175, Customs Regulations (19 CFR 10.175), to mean a

direct shipment from the BDC to the United States without passing through the territory of any other country. Two exceptions to that rule have been provided in the regulations: (1) If the eligible article is shipped from a BDC to the United States through the territory of any other country, wherein the article has not entered the commerce of that country, and the appropriate documents show the United States as the final destination; or (2) if the eligible article is shipped to the United States through a free trade zone in a BDC, not entering the commerce of that BDC and subjected only to certain minor operations in the free trade zone. The traditional marketing procedures for "Cameroon wrapper" do not fall within either of the exceptions to the direct shipment rule stated above, and thus Customs has held, based on consistent precedent, that as the tobacco in question is not imported directly from a BDC, it cannot receive GSP treatment.

We believe that it was the intent of the President and the Congress to confer BSP, i.e., duty-free, treatment on importations of the subject tobacco. But, as the entire production of "Cameroon wrapper" is shipped to France for auction and later exportation, and therefore subject to duty under the present Customs Regulations, the affected BDCs and cigar manufacturers in the United States do not enjoy that benefit. The marketing procedures involved are longstanding and beyond the control of U.S. importers (buyers for the U.S. market at the Paris auction number 15% of total buyers). Customs believes that the proposal described below is consistent with the fundamental intent of the GSP to extend direct preferential tariff treatment to the exports of BDCs to encourage economic diversification and export development within those countries. Further, we intend that the proposal will inure only to the benefit of the BDCs and their tobacco producers. Accordingly, Customs proposes an amendment to § 10.175 to expand the definition of "imported directly" to allow the intended benefit to the BDCs and domestic business.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs

Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

It is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Authority

This proposal is initiated under the authority of R.S. 251, as amended, section 624, 46 Stat. 759, section 503(b), 88 Stat. 2069, as amended (19 U.S.C. 66, 1624, 2463(b)).

Lists of Subjects in 19 CFR Part 10

Customs duties and inspection, Generalized System of Preferences, Imports, Tobacco.

Proposed Amendment

It is proposed to amend Part 10, Customs Regulations (19 CFR Part 10), as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to amend § 10.175 as follows:

§ 10.75 [Amended]

1. In paragraph (b), add "or (d)" after the phrase "paragraph (c)";
2. In paragraph (c)(5), replace the period with "; or"; and
3. Add a new paragraph (d), to read as follows:

• • • • •
(d) If shipped from the beneficiary developing country to the United States through the territory of any other country, provided that the eligible article:

- (1) Is wholly the growth or product of the beneficiary developing country;
- (2) Remains under the control of the customs authorities of the intermediate country;
- (3) Does not enter into the commerce of the intermediate country except for sale other than at retail, and the district

director is satisfied that the importation results from the original commercial transaction between the importer and the producer or the latter's sales agent;

(4) Has not been subjected to operations other than loading and unloading, and other activities necessary to preserve the article in good condition; and

(5) Complies with the origin requirements for goods exported to the United States under the Generalized System of Preferences, as stated in the Certificate of Origin Form A, which shall be issued by the beneficiary developing country. In addition, the beneficiary developing country shall provide, upon request, evidence sufficient to satisfy the appropriate Customs official that the shipment complies with the requirements of this paragraph.

Robert P. Schaffer,

Acting Commissioner of Customs.

Approved:

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

March 7, 1983.

[FR Doc. 8107 Filed 4-6-83; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 111

Proposed Customs Regulations Amendments Relating to Customhouse Brokers

AGENCY: Customs Service, Treasury.

SUMMARY: A Customs Headquarters task force on broker licensing and regulation was established to make a comprehensive study of the laws and regulations administered by Customs which relate to licensed brokers and to make recommendations for legislative and regulatory amendments.

This document proposes amendments to the Customs Regulations based upon the recommendations of the task force.

Proposed amendments include:

1. Defining the term "records";
2. Clarifying the term "responsible supervision and control";
3. Permitting brokers to maintain records of financial transactions at one central location in a Customs region;
4. Requiring collection by Customs of additional information regarding employees of brokers;
5. Requiring a qualified licensed broker to notify Customs if he ceases to be a qualifying party;
6. Requiring brokers to provide written statements to clients accounting for specified funds and to refund to clients all monies on accounts inactive for a one year period;

7. Clarifying a broker's responsibility, if that party also serves as importer of record, to pay Customs duty;

8. Clarifying Customs authority to recommend suspension of a broker's license for a specific period of time;

9. Providing for Customs acceptance, with Treasury Department approval, of a voluntary offer of suspension from a broker;

10. Clarifying information provided to a broker in proposed statement of charges;

11. Providing the effective date of an order of suspension or revocation of a broker's license; and

12. Requiring that Customs be notified of the party having legal custody of records upon termination of a brokerage business.

DATE: Comments must be received on or before June 6, 1983.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs, Service, 1301 Constitution Avenue, NW., Room 2428, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Margaret M. O'Rourke, Chairperson, Customs Headquarters Task Force on Broker Licensing and Regulation, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; 202-566-8047.

SUPPLEMENTARY INFORMATION:

Background

A customhouse broker ("broker") is a person who is licensed by the Customs Service ("Customs") to transact Customs business on behalf of importers and other persons. Under section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), the Secretary of the Treasury may prescribe rules and regulations governing the licensing as brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships. Rules and regulations also may be prescribed as necessary to protect importers and the revenue of the United States, to include the keeping of books, accounts, and records by brokers, and the inspection of these and related papers, documents, and correspondence by any duly accredited agent of the United States. Part 111, Customs Regulations (19 CFR Part 111), contains the rules and regulations prescribed by the Secretary relating to the licensing of brokers and their duties and responsibilities.

A Customs Headquarters task force on broker licensing and regulation (Task Force) was established to make a

comprehensive study of the laws and regulations administered by Customs which relate to brokers and to make recommendations for legislative and regulatory amendments. This document proposes amendments to Part 111, Customs Regulations, based upon the recommendations of the Task Force for regulations changes. Additionally, this document proposes regulations amendments in other areas relating to brokers. Recommendations for legislative changes made by the Task Force are not the subject of this document.

As part of its review, the Task Force considered the option of whether Customs should remove itself from its licensing role with either a complete or partial deregulation of brokers. Customs consulted extensively with importers and the broker community and learned that those entities oppose the removal of Customs from its licensing role.

Proposed Amendments to Part 111

1. Defining the term "records." Section 111.1(e) defines the term "Books and papers" as including "all books, accounts, records, papers, documents, powers of attorney, data processing materials (other than cards, magnetic tapes and discs, and incidental intermediate forms temporary in nature), and correspondence of a broker relating to his Customs business."

Based on section 508 of Pub. L. 95-410, the "Customs Procedural Reform and Simplification Act of 1978," relating to recordkeeping, by T.D. 79-159, published in the Federal Register on June 4, 1979 (44 FR 31962), Customs amended its regulations by defining the term "records" in § 162.1a(a), Customs Regulations (19 CFR 162.1a(a)). Because of that amendment, a change in the definition of the term "books and papers" in § 111.1(e) is appropriate. This document proposes to amend § 111.1(e) and other sections of Part 111 to conform to the definition of the term "records."

2. Clarifying the term "responsible supervision and control." Section 111.11 provides the basic requirements that must be met by an individual, partnership, association, or corporation to obtain a broker's license. Concerning a partnership, § 111.11(b)(2) requires that there must be an office where Customs transactions will be performed by a licensed member of the partnership or a qualified employee. With regard to an association or corporation, § 111.11(c) (3) requires that there must be an office where Customs transactions will be performed by a licensed officer or a qualified employee. In either circumstance, if the transaction is

performed by a qualified employee, it must be performed under the "responsible supervision and control" of the licensed members of the partnership or officers of the association or corporation.

At times, a licensed firm will apply for a license for a branch office, usually in another city, and the application will describe how the licensed members or officers in the home office will exercise supervision and control over a qualified employee in the branch office. Occasionally, Customs has found that the description of the supervision and control is inadequate. To clarify the term "responsible supervision and control", this document proposes amending § 111.11 by adding a new paragraph (d) to define this term.

3. Maintaining records of financial transactions at one central location in a region. Section 111.23(a) provides that brokers shall retain their records for a specified period within the Customs district to which they relate. Under modern business practices, records of financial transactions of large firms often are located in a main office of the firm. Brokers have complained that the requirement that records be maintained in each Customs district to which they relate is a burden. It is believed that Customs and brokers would benefit by permitting the business practice of centralizing records of financial transactions which is often complemented by highly efficient automated data processing methods. Therefore, Customs proposes to amend § 111.23 to permit brokers licensed to transact Customs business in districts which are in more than one region to maintain their records of financial transactions at a central location in any of those regions.

Customs anticipates that under the proposal, records such as cash receipts, disbursement journals, accounts receivable and accounts payable, the general ledger, and other summary records would be maintained at one central location. Other basic records for brokers who operate offices in more than one district would be maintained at each location where the broker transacts Customs business. These records would include entry files, immediate delivery release and control files, and other records essential to the day-to-day operations of the local office.

To accomplish this change, this document proposes to amend § 111.23(a) by providing an exemption to the requirement that the records shall be retained within the Customs district to which they relate. A regional commissioner, responsible for the region

in which the centralized records are to be maintained, may grant an exemption under the procedure proposed in new § 111.23(e), permitting authorized brokers to maintain records of financial transactions at one centralized location in the region. New § 111.23(f) would provide the procedure for withdrawing the exemption.

Section 111.23(b) provides that with the approval of the district director, a broker may microfilm certain specified records. Similarly, § 111.23(d) provides that a broker may use other methods of reproduction, including microfiche, upon approval of the district director. This document proposes to further amend § 111.23 by adding a new paragraph (g). Section 111.23(g) would provide that where a regional commissioner permits a broker to maintain records of financial transactions at one centralized location under proposed paragraph (e), that regional commissioner is responsible for approving requests for the reproduction of those centralized records provided for under paragraphs (b) and (d).

Section 111.23(b) provides that neither books of account nor powers of attorney can be microfilmed. Section 111.23(d) provides that neither books of account nor powers of attorney can be reproduced by other methods. This document proposes to amend § 111.23 (b) and (d) by removing books of account from the exception clause thereby permitting them to be microfilmed or otherwise reproduced. Brokers would still be prohibited from microfilming or otherwise reproducing powers of attorney.

Section 111.22(a) provides that in addition to the regular records of account required by § 111.21, each broker shall keep current a record of all Customs transactions in the format set forth in § 111.22(d), unless exempted. Section 111.22(b) provides that the district director may exempt a broker from this requirement if the broker complies with certain specified conditions. Section 111.22(c) provides that the exemption may be withdrawn by the district director if the broker does not comply with the specified conditions.

This document proposes to amend § 111.22 by adding a new paragraph (e) to provide that where a regional commissioner permits a broker to maintain records of financial transactions at one centralized location under proposed § 111.23(e), that regional commissioner is responsible for granting or withdrawing the exemption under § 111.22 (b) and (c) relating to the requirement for an additional record of the transactions.

4. *Mandatory collection of additional employee information.* Section 111.28(b) provides that at the request of the district director, a broker shall submit a list of names of persons currently employed, their addresses, social security numbers, and dates and places of birth. Having submitted such a list, each broker is required to advise the district director of the names of any new personnel and provide the same information as required for current employees. If the employment of any person is terminated, the regulations provide that the broker promptly shall advise the district director.

Customs believes that to enhance its enforcement capabilities when investigating employees of brokers, it is necessary to amend § 111.28(b) to require that all brokers submit the information relating to their employees. Customs believes that the following additional information should be provided: (1) The last prior home address of each current employee and (2) names and address of each former employer and dates of employment for the 3-year period preceding the current employment with the broker, if the employee has been employed by the broker for a period of less than 3 years. Customs proposes that the list of current employees be submitted with the status report brokers are required to submit in accordance with § 111.30(d). Customs also proposes that the same information shall be submitted by brokers within 10 days after the employment of any new personnel. Within 10 days after the termination of employment of any employee, Customs proposes that brokers shall submit the name of the employee so terminated.

5. *Notice to Customs by qualifying licensed broker.* In accordance with 19 U.S.C. 1641(a), no license shall be granted to any corporation, association, or partnership, unless licenses as brokers have been issued to at least two of the officers of such corporation or association, or two of the members of such partnership, and such licenses are in force. However, on occasion a licensed officer has retired from a corporation and some years have passed before Customs discovered that the licensed corporation was continuing to operate without the required supervision of two licensed brokers.

Section 111.30(d) requires that a corporation, partnership, or association, shall file a report with Customs every third year after February 1, 1979, which includes the names and addresses of the members of the partnership or officers of the corporation or association qualifying it for a license. However,

there is no requirement that a licensed broker, who is a qualifying member of a partnership or officer of a corporation or association, notify Customs if he ceases to be a member or officer of that entity. Customs believes that a new paragraph (c) should be added to § 111.28 to require a licensed broker who is a qualifying member or officer to notify Customs if he ceases to be a member or officer.

6. *Broker's written statement to clients accounting for specified funds and refund to clients of funds on inactive accounts.* As amended by T.D. 82-134 (47 FR 32418, July 27, 1982), and T.D. 82-219 (47 FR 52138, November 19, 1982), § 111.29(a) requires that brokers "account" to clients within 60 days from receipt for funds received from the Government for the clients, or received from a client in excess of the governmental or other charges properly payable in response to the client's business. Customs has found that sometimes the "account" has been only a recording of a transaction on the broker's books, and in some cases involving inactive accounts, brokers have retained clients' funds indefinitely. Customs believes that § 111.29(a) should be amended to require that brokers provide a written statement to clients about funds received from the Government for a client, and funds received from a client in excess of an applicable charge which the broker has not yet refunded to the client. This document proposes to amend the third sentence of § 111.29(a) by removing the words "account to clients for funds" and inserting, in their place, the words "provide a written statement to a client accounting for funds." Further, because Customs believes that brokers should refund to a client all funds on accounts which are inactive for 1 year, this document proposes to add a new sentence to § 111.29(a) to implement this determination.

7. *Clarifying a broker's responsibility if the broker also serves as an importer of record to pay Customs duty.* When a broker is the importer of record on Customs documents relating to a shipment of imported merchandise, he has an independent responsibility to pay Customs duties regardless of whether or not payment is received from the client. At times, a broker entering merchandise as the importer of record has not recognized that he has the responsibilities of an importer, as well as of a broker. Customs believes that § 111.29(a) should be amended to clarify this responsibility. This document proposes to add a new sentence between the second and third sentences

of § 111.29(a) to implement this determination.

8. *Suspension for a specific period of time.* Various sections of Part 111 refer to the authority of Customs to seek "suspension or revocation" of a license of a broker. For example § 111.53 provides that failure or refusal to comply with the duties, responsibilities, or other requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension or revocation.

In general, after preliminary proceedings, the district director may recommend to the Commissioner of Customs that Customs seek a suspension or revocation of the broker's license. A hearing may be held, and, if so, the hearing officer would recommend a decision in the case and certify the entire record to the Secretary of the Treasury. The Secretary then is authorized to issue an order of suspension or revocation of the license.

Customs has always taken the position that the authority to recommend and impose a suspension for a specific period of time is inherent in the regulations even though the regulations merely use the term "suspension." However, to avoid any ambiguity on this point, customs proposes to amend the regulations by adding the phrase "for a specific period of time" after the term "suspension", where applicable. Accordingly, this document proposes to amend § 111.53, 111.66, and 111.74.

9. *Acceptance of a broker's voluntary offer of suspension.* There have been occasions where Customs, in preparing to take action against a particular broker's license, has received a request from the broker that Customs accept the broker's application for voluntary suspension of the license without having a hearing on the matter. For example, the broker may decide that he does not wish to have a hearing after receiving the notice of charges and the statement of charges. To avoid formal proceedings, the broker may request a suspension of his license from Customs.

Part 111, however, does not grant specific authority to the Commissioner or Secretary of the Treasury to accept a broker's application for suspension of the license without a hearing. Section 111.51 provides only for acceptance of a written request for cancellation. Customs believes that Part 111 should be amended to provide that Customs may accept, with Treasury approval, a voluntary offer of suspension of a license submitted by a broker without a hearing. Therefore, this document proposes to amend Subpart D of Part 111

by adding a new § 111.51a, "Voluntary suspension of license."

10. *Clarifying information provided to a broker in a proposed statement of charges.* Section 111.58 provides that the statement of charges shall give a description of the facts claimed to constitute grounds for suspension or revocation of the license. To clarify the sanction against the broker, this document proposed to amend § 111.58 to provide that the statement of charges also shall specify the sanction being proposed, i.e., suspension of the broker's license, or revocation of the license, or both, but shall not state a specific period of time for which suspension is proposed. * * *

11. *Providing the effective date of an order of suspension or revocation of broker's license.* Under 19 U.S.C. 1641(b), a broker may appeal any order of the Secretary of the Treasury suspending or revoking a license by filing a written petition in the Court of International Trade within 60 days after the entry of such order. The commencement of proceedings shall, unless specifically ordered by the court, operate as a stay of the Secretary's order. Because a broker has 60 days to file an appeal and such action generally operates as a stay of the Secretary's order, Customs believes that § 111.74 should be amended to provide that an order of the Secretary of suspension or revocation shall become effective 60 days after the entry of such order unless the Secretary determines that a shorter period is deemed necessary.

12. *Notification to Customs of the party having custody of records upon termination of a brokerage business.* Presently there is no provision in Part 111 relating to the disposition of brokerage business records upon the termination of the business. This document proposes to amend Part 111 by adding a new § 111.30(e) to provide for the notification to Customs of the name and address of the party having legal custody of the brokerage business records upon the termination of the business. The responsibility for notification would lie with the broker upon the permanent termination of his brokerage business, the broker's designated representative in case of death of the broker, licensed partners upon the permanent termination of the partnership brokerage business, and licensed association or corporate officers upon the permanent termination of the association or corporate brokerage business.

As previously stated, under 19 U.S.C. 1641, the Secretary may prescribe rules and regulations governing the licensing of brokers and requiring licensed

brokers to keep records and furnish information relating to their business to any duly accredited agent of the United States. Customs believes that it is entirely within the responsibility of licensed brokers to notify Customs of the location of business records of defunct brokers. The proposed amendment would provide Customs with notice that a licensed broker is no longer in business and would provide the name of the proper party to contact for inspection of the brokerage business records if the circumstances warrant. This notification is necessary to enable Customs to adequately protect the revenue as well as the interests of the broker's former clients.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 641, 46 Stat. 759, as amended (19 U.S.C. 1641).

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Many of the proposed amendments are intended to clarify existing regulations. Although the proposed amendments would apparently affect brokers, we are not aware of any information indicating that the proposed changes would not have a

significant economic impact on a substantial number of them.

Paperwork Reduction Act

Pursuant to section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), applicable proposed sections of this document are subject to clearance by the Office of Management and Budget.

Drafting Information

The principal author of this document was Charles D. Rassin, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 111

Customs duties and inspection, Imports, Brokers.

Proposed Amendments

PART 111—CUSTOMHOUSE BROKERS

It is proposed to amend Part 111, Customs Regulations (19 CFR Part 111), in the following manner:

1. It is proposed to revise § 111.1(e) to read as follows:

§ 111.1 Definitions.

(e) *Records*. "Records" means those documents discussed in § 162.1a of this title and kept as provided in § 162.1b of this title.

2. It is proposed to amend § 111.11 by adding a new paragraph (d) to read as follows:

§ 111.11 Basic requirements.

(d) *Responsible supervision and control*. The term "responsible supervision and control" means that supervision and control necessary to ensure that the qualified employee will provide substantially the same quality of service in handling Customs transactions that the licensed broker would provide. While the determination of what is necessary to maintain responsible supervision and control will vary depending upon the circumstances in each case, factors which the Customs Service will consider include the frequency of visits by the licensed brokers, the issuance of written instructions to the employees, the maintenance of current editions of the Customs Regulations and Tariff Schedules of the United States (TSUS), the availability of the licensed brokers for consultation with the employees when necessary, the review by the licensed brokers of the Customs transactions handled by the employees,

and any circumstance which indicates that a licensed broker of the firm does not in fact have a real interest in the firm's operations.

§ 111.21 [Amended]

3. It is proposed to amend the second sentence of § 111.21 by removing the word "papers" both times it appears and inserting, in its place the word "records."

4. It is proposed to amend the introductory paragraph of § 111.22(b) and § 111.22(b)(2) by removing the words "books and".

5. It is proposed to further amend § 111.22 by adding a new paragraph (e) to read as follows:

§ 111.22 Additional record of transactions.

(e) *Authorization*. The regional commissioner for the region in which a customhouse broker has been granted an exemption to maintain records of financial transactions on a centralized system basis, as set forth in § 111.23(e) of this part, is responsible for providing an exemption or withdrawal of exemption under paragraphs (b) and (c) of this section.

6. It is proposed to revise § 111.23(a) and the section heading to read as follows:

§ 111.23 Retention of records.

(a) *Place and period of retention*.—(1) *Place*. The records as defined in § 111.1(e) and required by § 111.21 and 111.22 of this part to be kept by a broker shall be retained within the Customs district to which they relate, unless an exemption has been granted for centralized accounting records under paragraph (e) of this section.

(2) *Period*. The records described in paragraph (a)(1) of this section, other than powers of attorney, shall be retained for at least 5 years after the date of entry. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 5 years after the date of revocation. When merchandise is withdrawn from a bonded warehouse, copies of records relating to the withdrawal shall be retained for 5 years from the date of withdrawal.

7. It is proposed to revise the introductory paragraph of 111.23(b) to read as follows:

§ 111.23 Retention of records.

(b) *Microfilming of records*. A broker, with the approval of the district director for the district in which he is licensed,

may record on microfilm any records, other than powers of attorney, required to be retained under the provisions of paragraph (a) of this section, at any time after the entry to which these records pertain has been liquidated, upon the following conditions:

8. It is proposed to amend the first sentence of § 111.23(b)(3) by removing the words "books and papers" and inserting, in their place, the word "records."

9. It is proposed to revise § 111.23(d) to read as follows:

§ 111.23 Retention of records.

(d) *Other methods of reproduction for record retention*. A broker may, with the approval of the district director for the district in which he is licensed, utilize other methods of reproduction, including microfiche, for the reproduction of records, other than powers of attorney, permitted to be microfilmed under paragraph (b) of this section, provided the requirements of paragraphs (b) and (c) of this section are met.

10. It is proposed to further amend § 111.23 by adding new paragraphs (e), (f), and (g) to read as follows:

§ 111.23 Retention of records.

(e) *Exemption*.—(1) *Request*. A written request for the authorization to maintain records of financial transactions on a centralized system basis shall be submitted to the regional commissioner responsible for the region in which the centralized records are to be maintained. The written request shall include:

(i) The address at which the broker desires to maintain the centralized accounting records. This location must be within a district where the broker is licensed.

(ii) A detailed statement describing all the records of financial transactions to be maintained at the centralized location, the methodology of record maintenance, a description of any automated data processing to be applied, and a list of all the broker's Customs business activity locations.

(iii) An agreement that if the authorization is granted, no change in the records, the manner of recordkeeping, or the location at which they will be maintained, will be made unless approved by Customs. Each request for a change requires prior approval in the same manner as prescribed above.

(iv) An agreement to comply with § 111.22, *Customs Regulations*.

(v) An agreement that all financial records pertaining to Customs transactions, whether direct or indirect, will be made available to Customs regulatory auditors for complete inspection.

(2) *Approval.* After the broker's request has been received and reviewed by the regional commissioner, he shall advise the broker in writing of his decision whether to authorize the broker to maintain records of financial transactions on a centralized system basis.

(f) *Withdrawal of exemption.* Whenever an audit by a Customs regulatory auditor indicates that a broker to whom an exemption has been granted is not keeping records in accordance with the requirements of paragraph (e) of this section, the exemption granted to the broker shall be withdrawn by notice in writing from the regional commissioner granting the exemption. The broker shall thereafter keep and maintain records as required by paragraph (a) of this section.

(g) *Reproduction of centralized accounting records.* The regional commissioner for the region in which a broker has been granted an exemption to maintain records of financial transactions on a centralized system basis, provided in paragraph (e) of this section, is responsible for approving requests for the reproduction of centralized financial records provided under paragraphs (b) and (d) of this section.

§ 111.24 [Amended]

11. It is proposed to amend § 111.24 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

§ 111.25 [Amended]

12. It is proposed to amend § 111.25 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

§ 111.26 [Amended]

13. It is proposed to amend § 111.26 by removing the words "books and papers" from the section heading and inserting, in their place, the word "records;" and by removing the words "book or paper" each time they appear and inserting, in their place, the word "record."

§ 111.27 [Amended]

It is proposed to amend § 111.27 and the section heading by removing the words "books and papers" each time they appear and inserting, in their place, the word "records."

15. It is proposed to revise § 111.28(b) to read as follows:

§ 111.28 Responsible supervision.

(b) *List of employees.* Each customhouse broker shall submit in writing to each district director where the broker is licensed to transact Customs business a list of the names of persons currently employed. For each such employee, the broker also shall provide the current home address, last prior home address, social security number, date and place of birth, and names and addresses of each former employer and dates of employment for the 3-year period preceding current employment with the broker, if the employee has been employed by the broker for a period of less than 3 years. The list shall be submitted during the month of February 1984, and a revised list shall be submitted during the month of February 1985, and during the month of February of each third year thereafter. Within 10 days after the employment of any new personnel, the broker shall submit in writing to the district director the same information as set forth above for any new employees. Within 10 days after the termination of employment of any employee, the broker shall submit in writing to the district director the name of the employee so terminated.

16. It is proposed to further amend § 111.28 by adding a new paragraph (c) to read as follows:

§ 111.28 Responsible supervision.

(c) *Termination of qualifying employment.* If a licensed broker who is a qualifying member of a partnership, or officer of an association or corporation, terminates his employment as a qualified member or officer, that broker shall give written notice immediately of that fact to the Commissioner and send a copy of the written notice to the district director in each district where the broker is licensed to transact Customs business.

17. It is proposed to revise § 111.29(a) to read as follows:

§ 111.29 Diligence in correspondence and paying monies.

(a) *Due diligence by broker.* Each broker shall exercise due diligence in making financial settlements, in answering correspondence, and in preparing or assisting in the preparation and filing of records relating to any matter handled by him as a broker. Funds received by a broker from a client for payment of duty, tax, or other debt or obligation owing to the Government

shall be paid to the Government within 30 days from date of receipt or date due, whichever is later. If a broker is the importer of record, he has the same responsibility to pay Customs charges that any other importer has (see § 141.1 of this chapter). Within 60 days of receipt, each broker shall provide a written statement to a client accounting for funds received for the client from the Government, or received from a client in excess of the governmental or other charges properly payable as part of the client's business. Each broker shall refund to a client all funds on accounts inactive for a 1 year period. He shall account to all other persons within 30 days of receipt for all funds advanced by a client for payment of any charges, debts, or obligations due other persons.

18. It is proposed to amend § 111.30 by revising the section heading and adding a new paragraph (e) to read as follows:

§ 111.30 Notification of change of business address, organization, name, or location of business records; status report.

(e) *Location.* Upon the permanent termination of a brokerage business, both the Commissioner and the district director of each Customs district for which a broker's license has been issued shall be provided written notification of the name and address of the party having legal custody of the brokerage business records. Responsibility for notification shall be as follows:

- (1) The broker, upon the permanent termination of his brokerage business,
- (2) The broker's designated representative in case of death of the broker,
- (3) Licensed partners, upon the permanent termination of the partnership brokerage business,
- (4) Licensed association or corporate officers, upon the permanent termination of the association or corporate brokerage business.

Subpart D—Cancellation, Suspension, or Revocation of License

19. It is proposed to amend Subpart D of Part 111 by adding a new § 111.51a to read as follows:

§ 111.51a Voluntary suspension of license.

The Commissioner, with the approval of the Secretary of the Treasury, may accept a broker's written voluntary offer of suspension for a specific period of time of the brokers' license under such terms and conditions as the parties may agree.

20. It is proposed to revise § 111.53 to read as follows:

§ 111.53 Grounds for suspension or revocation.

Failure or refusal to comply with the duties, responsibilities, or requirements specified in Subpart C or elsewhere in this part relating to brokers may be deemed grounds for suspension for a specified period of time or revocation of the license of a broker. Such duties, responsibilities, or requirements are not to be considered as exclusive. Conduct not within the purview of any specification of this part may be deemed to be conduct warranting the suspension for a specified period of time or revocation of a license under the authority of section 641(b), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)).

21. It is proposed to amend § 111.58 by adding a new sentence after the first sentence to read as follows:

§ 111.58 Content of statement of charges.

* * * The statement of charges also shall specify the sanction being proposed, i.e., suspension of the broker's license, or revocation of the license, or both, but shall not state a specific period of time for which suspension is proposed.

§ 111.61 [Amended]

22. It is proposed to amend the first sentence of § 111.61 by removing the word "paper" and inserting, in its place, the word "record."

23. It is proposed to amend § 111.66 by revising the second sentence to read as follows:

§ 111.66 Failure to appear.

* * * The regulations of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension for a specified period of time or revocation of the license of a broker if he finds it to be in order.

24. It is proposed to revise § 111.74 to read as follows:

§ 111.74 Decision and notice of suspension or revocation.

If the Secretary of the Treasury in the exercise of his discretion issues an order of suspension for a specified period of time or revocation of the license of a broker, the Commissioner will notify the broker and publish a notice of suspension or revocation in the Federal Register and in the Customs Bulletin. The order of suspension or revocation shall become effective 60 days after the entry of such order, unless the Secretary

determines that a shorter period is deemed necessary.

William von Raab,
Commissioner of Customs.

Approved: March 16, 1983.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

[FR Doc. 83-9144 Filed 4-6-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF JUSTICE**28 CFR Part 16****Production or Disclosure of Material or Information; Privacy Act Exemption**

[AAG/A Order No. 5-83]

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to provide additional specificity as to the statutory authority for exempting certain systems of records; to remove from Title 28 of the Code of Federal Regulations (28 CFR) systems which are no longer maintained; to incorporate clarifying language which is a part of the system of records as published in the Federal Register; to rename systems of records in order to more accurately describe the records; to redesignate systems of records under a new 28 CFR section to accomplish consistency with reorganizations; and to make editorial changes. The changes have been made to achieve clarity and consistency for the public. In addition, in Section 16.71, the Department proposes to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011)" from subsections (d)(1) and (e)(1) of the Privacy Act. The exemption is needed to protect the identities of confidential sources and to ensure the unhampered collection of information for investigative and evaluative purposes concerning the subject's candidacy for the position of attorney. Further, in § 16.72, the Department proposes to exempt a system of records entitled "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001)" from subsections (d)(1), (2), (3) and (4); from subsections (e)(1), (2) and (5); and from subsection (g) of the Privacy Act. The records contained in this system originated in or are derived from records of other divisions of the Department entrusted with investigative duties. The exemption is needed to protect ongoing investigations, the privacy of third parties, and the identities of confidential sources involved in such investigations.

DATE: All comments must be received by May 9, 1983.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: Section 16.71. The Office of the Deputy Attorney General (ODAG) is revising paragraph (a) to delete a system from this section and to correct other system number identifiers so that they are consistent with a recent reorganization and with the respective system notices as currently published in the Federal Register (45 FR 60303). By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and the Office of Legal Policy (OLP) was established. As a result, a system of records now identified in this section as United States Judges Records System (JUSTICE/DAG-014) is deleted from this section and redesignated under a new section, § 16.72, as United States Judges Records System (JUSTICE/OLP-002), and other system number identifiers in this section are renumbered. In addition, the ODAG is revising paragraph (a) to exempt a system of records entitled "Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-001)" from certain Privacy Act provisions.

Section 16.72. OLP is establishing a new section, § 16.72. By Attorney General Order No. 945-81, dated May 26, 1981, the management roles of the Deputy Attorney General and the Associate Attorney General were restructured, and OLP was established. Paragraphs (a) and (b) of this section exempt from certain Privacy Act provisions a system of records entitled "Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001)," now under the management of OLP as a result of Attorney General Order No. 945-81. Paragraphs (c) and (d) of this section are a republication of a system of records currently identified in § 16.71 as United States Judges Records System (JUSTICE/DAG-014). JUSTICE/DAG-014 is being deleted from § 16.71 and reprinted in § 16.72 as United States Judges Record System (JUSTICE/OLP-002) since the system is now under new management of OLP.

Section 16.76. The Justice Management Division (JMD) is revising paragraphs (a)(1) and (c)(1) to provide

additional specificity as to the statutory authority for exempting its systems and paragraphs (f) and (f)(1) to correct type errors. In addition, JMD is revising paragraph (f)(1) to reflect JMD's limited reliance on the use of exemption (k)(2) and to incorporate the derivative language currently reported in its system notice (48 FR 5360) to reflect that records secured from other systems of records have been exempted only to the extent that they were exempted under the systems of records from which they were obtained.

Section 16.81. The Executive Office for United States Attorney (EOUSA) is revising paragraph (a) to correct system number identifiers so they are consistent with the respective system notices as currently published in the *Federal Register* (45 FR 303; 46 FR 60351; and 47 FR 20687), to provide additional specificity as to the statutory authority for exempting the systems identified therein, and to make other minor editorial changes. In addition, EOUSA is also revising paragraph (d) to properly reflect the exemptions claimed for this system. This paragraph will then be consistent with the related system notice last published on December 9, 1981 in *Federal Register* Volume 46, page 60356.

Section 16.85. The United States Parole Commission is revising paragraph (a) to correct system number identifiers so that they are consistent with the respective system notices as currently published in the *Federal Register* (48 FR 5369), and to provide additional specificity as to the statutory authority for exempting its systems.

Section 16.88. The Antitrust Division is removing paragraphs (a) and (b) from this section as systems of records identified therein are no longer maintained. Existing paragraphs (c) and (d) are being redesignated as paragraphs (a) and (b). The system of records identified in redesignated paragraph (a) is being renumbered.

Section 16.90. The Civil Rights Division is revising paragraph (f)(1) to provide additional specificity in statutory references.

Section 16.92. The Land and Natural Resources Division (LDN) is revising paragraph (c)(1) to incorporate the derivative language reported in its system notice (48 FR 5363) to reflect that records secured from other systems of records maintained by LDN have been exempted only to the same extent that they were exempted under the systems of records from which they were obtained.

Section 16.96. The Federal Bureau of Investigation is revising paragraph (g) of this section to provide additional

specificity as to the statutory authority for exempting this system.

Section 16.97. The Bureau of Prisons is making minor editorial changes to paragraphs (a)(8) and (c).

Section 16.100. The Office of Justice Assistance, Research and Statistics (OJARS) is revising its section heading to omit the name of the former Law Enforcement Assistance Administration and to incorporate the new organizational name, OJARS. OJARS is also revising the first sentence of paragraph (a)(1) to incorporate the new acronym into its system identifier.

Section 16.103. The INTERPOL—United States National Central Bureau (INTERPOL—USNCB) is revising paragraph (a)(1) of this section to change the name of its system from the "Criminal Investigative Records System (CIRS) (JUSTICE/INTERPOL-001)" to the "INTERPOL—USNCB Records System (JUSTICE/INTERPOL-001)." Because the system contains noncriminal case files in addition to criminal cases files, the new name more accurately describes the system. The name change in this section is consistent with the system name change currently published in the *Federal Register* (48 FR 5351).

List of Subjects in 18 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, and Sunshine Act.

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. section 552a and delegated to me by Attorney General Order No. 793-78, it is proposed to amend Part 16 of 28 CFR as set forth below.

Dated: February 15, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

1. Section 16.71 is amended by revising paragraphs (a) and (b)(1) as follows:

§ 16.71 Exemption of the Office of the Deputy Attorney General Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) Appointed Assistant United States Attorneys Personnel System (JUSTICE/DAG-002).

(2) Assistant United States Attorneys Applicant Records System (JUSTICE/DAG-003).

(3) Presidential Appointee Candidate Records System (JUSTICE/DAG-006).

(4) Presidential Appointee Records System (JUSTICE/DAG-007).

(5) Special Candidates for Presidential Appointments Records System (JUSTICE/DAG-008).

(6) Miscellaneous Attorney Personnel Records System (JUSTICE/DAG-011).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(b) * * *

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a Presidential appointee, Assistant U.S. Attorney or Department attorney position. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

* * *

2. A new § 16.72 is added as follows:

§ 16.72 Exemption of the Office of Legal Policy Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d)(1), (2), (3), and (4); (e)(1), (2), and (5); and (g):

(1) Freedom of Information and Privacy Appeals Index (JUSTICE/OLP-001). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(2) and (k)(5).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsections (d)(1), (2), (3) and (4) because the records contained in this system originated in or are derived directly from records of other divisions of the Department of Justice entrusted with law enforcement and investigative duties. Individual access to these records might compromise ongoing investigations, reveal confidential informants or constitute unwarranted invasions of the personal privacy of third parties who are involved in a certain investigation.

(2) From subsections (e)(1) and (5) because the records contained in this system originated in or are derived directly from other divisions of the Justice Department. The relevance of the information was determined by the originating division. Questions concerning the relevance of the information should be directed to the originating division.

(3) From subsection (e)(2) because the records contained in this system originated in or are derived directly from records of other divisions of the Justice Department. The collection of such information was determined by the originating division.

(4) From subsection (g) because this system of records has been exempted from the access provisions of subsection (d).

(c) The following system of records is exempt from 5 U.S.C. 552a(d)(1) and (e)(1):

(1) United States Judges Records System (JUSTICE/OLP-002).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5).

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d)(1) because many persons are contacted who, without an assurance of anonymity, refuse to provide information concerning a candidate for a judgeship. Permitting access to the information supplied by persons after a promise of confidentiality has been given could reveal the identity of the source of the information and constitute a breach of the promised confidentiality on the part of the Department of Justice. Such breaches ultimately would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(2) From subsection (e)(1) because in the collection of information for investigation and evaluative purposes, it is impossible to determine in advance what exact information may be of assistance in determining the qualifications and suitability of a candidate. Information which may appear irrelevant, when combined with other apparently irrelevant information, can on occasion, provide a composite picture of a candidate for a position which assists in determining whether that candidate should be nominated for appointment.

3. Section 16.76 is amended by revising the section heading and paragraphs (a), (c), and (f) as follows:

§ 16.76 Exemption of Justice Management Division Systems.

(a) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Controlled Substances Act Non-public Records (JUSTICE/JMD-002). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a(j)(2).

* * *

(c) The following system of records is exempt from 5 U.S.C. 552a(d):

(1) Security Clearance Information System (SCIS) (JUSTICE/JMD-008)—Limited access.

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 552a (j) and (k)(5).

* * *

(f) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d):

(1) Freedom of Information/Privacy Act (FOIA/PA) Records System (JUSTICE/JMD-019).

These exemptions apply only to the extent that other correspondence or internal memoranda retained with the request file contain investigatory material maintained for law enforcement purposes and are subject to exemption pursuant to 5 U.S.C. 552a(k)(2). Records secured from other systems of records have been exempted from the Privacy Act provisions only to the same extent as the systems of records from which they were obtained.

* * *

4. Section 16.81 is amended by revising paragraphs (a) and (d) as follows:

§ 16.81 Exemption of United States Attorneys Systems—Limited Access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h):

(1) Citizen Complaint Files (JUSTICE/USA-003).

(2) Civil Case Files (JUSTICE/USA-005).

(3) Consumer Complaints Files (JUSTICE/USA-006).

(4) Criminal Case Files (JUSTICE/USA-007).

(5) Kline-District of Columbia and Maryland-Stock and Land Fraud Interrelationship Filing System (JUSTICE/USA-009).

(6) Major Crimes Division Investigative Files (JUSTICE/USA-010).

(7) Prosecutor's Management Information System (PROMIS) (JUSTICE/USA-011).

(8) United States Attorney, District of Columbia Superior Court Division, Criminal Files (JUSTICE/USA-013).

(9) Pre-Trial Diversion Program Files (JUSTICE/USA-014).

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k) (1) and (2).

* * *

(d) Certain categories of records in the following system have been exempted from subsection (c)(3) and (d) of the

Privacy Act pursuant to 5 U.S.C. 552a(k)(2): Freedom of Information Act/Privacy Act Files (JUSTICE/USA-008). Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained.

* * *

5. Section 16.85 is amended by revising paragraph (a) as follows:

§ 16.85 Exemption of U.S. Parole Commission—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g):

(1) Docket Scheduling and Control System (JUSTICE/PRC-001).

(2) Inmate and Supervision Files System (JUSTICE/PRC-003).

(3) Labor and Pension Case, Legal File, and General Correspondence System (JUSTICE/PRC-004).

(4) Statistical, Educational and Developmental System (JUSTICE/PRC-006).

(5) Workload Record, Decision Result, and Annual Report System (JUSTICE/PRC-007).

These exemptions apply only to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

* * *

§ 16.88 [Amended]

6. Section 16.88 is amended by removing paragraphs (a) and (b) and by redesignating existing paragraphs (c) and (d) as (a) and (b) respectively. The newly redesignated paragraph (a)(1) is further amended by changing the identifying number "JUSTICE/ATR-009" to "JUSTICE/ATR-006."

7. Section 16.90 is amended by revising paragraph (f)(1) as follows.

§ 16.90 Exemption of Civil Rights Division Systems.

* * *

(f) * * *

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j)(2) or (k)(2). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what

extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

8. Section 16.92 is amended by revising paragraph (c) as follows:

§ 16.92 Exemption of Land and Natural Resources Division System—Limited access, as indicated.

(c) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (d):

(1) Freedom of Information/Privacy Act Records System. (Justice/LDN-005). These exemptions apply only to the extent that the records contained in this system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2). The exemptions claimed for this system of records apply only to records obtained from other systems of records maintained by the Land and Natural Resources Division and only to the same extent as the records contained in such other systems have been exempted.

9. Section 16.96 is amended by revising paragraph (g) as follows:

§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

(g) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e)(1), and (2) (3), (e)(4)(G) and (H), (e)(8), (f) and (g): National Crime Information Center (NCIC) (JUSTICE / FBI-001). This exemption applies only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) and (k)(3).

§ 16.97 [Amended]

10. Section 16.97, paragraph (a)(8), is amended by removing the word "Tax" and inserting the word "Tort". Further, paragraph (c), last sentence, is amended by removing the quotation marks.

11. Section 16.100 is amended by revising the section heading and the first sentence of paragraph (a)(1) as follows:

§ 16.100 Exemption of Office of Justice Assistance, Research and Statistics—Limited Access.

(a) * * *

(1) The Civil Rights Investigative System (Justice/OJARS-008). * * *

12. Section 16.103 is amended by revising the section heading and paragraph (a)(1) as follows:

§ 16.103 Exemption of the INTERPOL—United States National Central Bureau (INTERPOL—USNCB) System.

(a) * * *

(1) The INTERPOL—USNCB Records System (JUSTICE/INTERPOL-001). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5).

[FR Doc. 83-0145 Filed 4-6-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD13 83-07]

Regatta, Seattle Seafair Sea-Galley Emerald Cup Race; Proposed Establishment of Controlled Navigation Area

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish an area of controlled navigation upon the waters of Lake Washington, Washington, from August 4 until August 7, 1983. This is necessary due to the unlimited hydroplane races scheduled for this time period as part of Seattle's Seafair Sea-Galley Emerald Cup Race. The Coast Guard through this action intends to insure the safety of spectators and participants in this event.

DATES: Comments must be received on or before May 23, 1983.

ADDRESSES: Comments should be mailed to Commander (osr), Thirteenth Coast Guard District, 915 Second Ave., Seattle, WA 98174. The comments will be available for inspection and copying at the Thirteenth Coast Guard District Office, Room 3542, 915 Second Ave., Seattle, WA 98174. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Capt. P. D. Russell, Chief, Search and Rescue Branch, (206) 442-5880.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD13 83-07) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-

addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information: The drafters of this notice are Cdr. D. H. Hagen, USCGR, Project Officer, Thirteenth Coast Guard District Search and Rescue Branch, and Lcdr R. R. Clark, USCG, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Proposed Regulation: Each year, Seafair, Inc., a non-profit corporation, sponsors an unlimited hydroplane regatta on the waters of Lake Washington. This year, that organization is sponsoring the Seafair Sea-Galley Emerald Cup Race. This four (4) day event draws several hundred thousand spectators to the beaches and waters surrounding the Lake Washington race course. A large number of these spectators view the event from over eight hundred (800) pleasure craft which anchor around the race course. To insure the safety of both the spectators and the participants, special navigational rules are required.

By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100, Code of Federal Regulations, a special local regulation controlling navigation on the waters described is required. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulations and cite persons and vessels in violation.

Economic Assessment and Certification: This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the regulations affect only spectators and participants to the race and applies to a small area of Lake Washington. In addition it will be in effect for only four (04) days, two of those days being Saturday and Sunday. There is no commercial traffic in this area of the lake. On the other side of the economic equation the benefit in saved property damage and personal injury is potentially very considerable. Based upon this assessment it is certified in

accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation: In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.35-1314 to read as follows:

§ 100.35-1314 Lake Washington 1983 Seattle Seafair Sea-Go-Lay Emerald Cup Race.

(a) From August 4 to August 6, 1983, this regulation will be in effect from 0800 until 1700 Pacific Daylight time. On August 7, 1983, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The area where the Coast Guard will restrict general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) has been divided into two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA chart 1447.)

(d) The Coast Guard patrol of the area described in paragraph (b) is under the direction of the Coast Guard Patrol Commander. He is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited.

(g) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); 33 CFR 100.35)

Dated March 8, 1983.

R. J. Copin,

Captain, Coast Guard, Commander, 13th Coast Guard District, Acting

[FR Doc. 83-0140 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD13 83-08]

Drawbridge Operation Regulations; Swinomish Channel at Padilla Bay, Whitmarsh, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Burlington Northern Railroad Company, the Coast Guard is considering establishing operating regulations governing the railroad drawbridge across the Swinomish Channel, mile 8.4, near Whitmarsh, Washington, by requiring that the draw be maintained in the open to navigation position, except when required to be closed for the passage of trains. This proposal is being made because the amount of rail traffic has declined. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander

(oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information:

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of the Proposed Regulations:

Swinomish Channel is a natural waterway connecting Skagit Bay at the south end and Padilla Bay at the north. The waterway has a total length of about 10 miles and separates Fidalgo Island from the mainland. Swinomish Channel provides a direct route through protected waters between Skagit Bay and Padilla Bay. It is used extensively by tugs towing barges and log rafts, and fishing vessels. Large numbers of recreational vessels also use the waterway.

All commercial development along Swinomish Channel is concentrated at La Conner near the south end of the waterway. Commercial development consists of a fish cannery, log booming and storage, fish boat moorage and repair service, and a recently constructed port facility providing pleasure boat moorage and repair service. There is little potential for further development along the waterway.

The Burlington Northern Railroad Company owns and operates a railroad drawbridge across Swinomish Channel at mile 8.4 near Whitmarsh, Washington. Train traffic across the bridge consists of an average of three passages per day. Vessel traffic is not logged at the bridge, but is estimated to

be several hundred vessels per day during peak months.

There are no specific operating regulations for the Burlington Northern railroad bridge across Swinomish Channel. The bridge is operated in accordance with the general provisions of 33 CFR 117.1. The proposed regulation would require that the drawspan of the bridge be kept in the open to navigation position at all times except while actually required to be closed for the passage of trains. When the draw of the bridge is closed during foggy weather, and the visibility at the drawtenders station is less than one mile up or down the channel, the drawtender would sound two long blasts every minute. When the draw is again in the open position and the channel is clear for the passage of vessels, the drawtender would sound one long blast followed by one short blast.

This proposal would allow Burlington Northern to maintain the bridge in the open position without a drawtender in attendance unless required by the passage of a train. This would result in savings in operating costs to the bridge owner and would not unreasonably affect navigation on the waterway.

Other than the Burlington Northern Railroad Company, there are no known businesses including small entities, that would be affected by the proposed change. There are only minimal economic impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The Burlington Northern Railroad Company would benefit because it would be relieved of the burden of providing a salaried full time operator for bridge openings and closures.

Economic Assessment and Certification:

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Proposed Regulation:

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding a new § 117.806 to read as follows:

§ 117.806 Swinomish Channel, Wash.; railroad drawbridge

(a) The Burlington Northern railroad bridge across Swinomish Channel, mile 8.4, shall be kept open at all times except when actually required to be closed for the passage of trains or other railroad equipment or when maintenance to the drawspan is being performed.

(b) When the draw of the bridge is closed and the visibility at the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3)).

Dated: March 22, 1983.

C. F. DeWolf,

Rear Admiral, Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-9141 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD9 83-04]

Drawbridge Operation Regulations; Manitowoc River, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the requests of the City of Manitowoc, Wisconsin, and Soo Line Railroad Company, the Coast Guard is considering revising the regulations governing the Eighth Street, mile 0.3 Tenth Street, mile 0.5, and Soo Line Railroad, mile 0.9, bridges over the Manitowoc River, Manitowoc, Wisconsin, by permitting the owners of these bridges to remove bridgetenders during periods of time when navigation on the Manitowoc River is negligible with a requirement that the bridges will open on signal upon receipt of an advance notice. This proposal is being made because of a decrease in requests for opening these draws between the hours of 10:30 p.m. and 4:30 a.m. This

action may relieve the bridge owners of the burden of having bridgetenders constantly available to open the draws and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before May 23, 1983.

ADDRESS: Comments should be submitted to and are available for examination, during normal business hours, at the office of the Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Telephone (216) 522-3993.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in this proposal. Persons desiring acknowledgement that their comment has been received should enclose a stamped self-addressed postcard or envelope.

The Commander, Ninth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

Drafting Instructions:

The principal persons involved in drafting this proposal are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and LCDR J. A. Blocher, Assistant Legal Officer, Ninth Coast Guard District.

Discussion of Proposed Regulations:

The proposed regulations will allow the City of Manitowoc, Wisconsin, to remove bridgetenders from the Eighth and Tenth Street bridges, and Soo Line Railroad Company to remove bridgetenders from their railroad bridge from April 1 through October 31 between the hours of 10:30 p.m. and 4:30 a.m. with requirement to open the draws of these bridges upon receipt of a six hour advance notice. From November 1 through March 31 bridgetenders would be removed at all times with a requirement that the bridges would open for the passage of vessels upon receipt of a 12 hour advance notice.

Bridgetender logs for these bridges show the following number of openings

from April 1 through October 31, between the hours of 10 p.m. and 5 a.m.:

Bridge	Year	Number of openings
Eighth	1981	49—one opening every 4.3 days.
	1982	66—one opening every 3.2 days.
Tenth Street	1981	16—one opening every 13.4 days.
	1982	36—one opening every 5.9 days.
Soo Line Railroad	1981	52—one opening every 4.1 days.
	1982	53—one opening every 4.0 days.

For the period November 1 through March 31, bridgetender logs showed the Eighth Street bridge had 31 openings in 1980-81, 70 in 1981-82; Tenth Street had 22 openings in 1980-81, 33 in 1981-82 and the Soo Line Railroad bridge had 21 openings in 1980-81 and 10 in 1981-82.

Under present regulations the Eighth and Tenth Street bridges open on signal except that the draws need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m. and 12:45 p.m. to 1 p.m., Monday through Friday, except federal holidays. The Soo Line railroad bridge opens on signal at all times. During the winter months, November 1 through March 31, the owners of these bridges have been granted temporary regulations, on an annual basis, which allowed them to remove bridgetenders and open the draws upon receipt of a 12 hour advance notice.

Economic Assessment and Certification:

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of regulations (DOT Order 2100.5 of 5022-80). An economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The effects of this proposal, as described above, are expected to be minimal because bridgetenders will be removed only during times when requests for openings are minimal. Also, marine interests will be able to transit through the draws of these bridges by giving an advance notice.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the forgoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.650 to read as follows:

§ 117.650 Manitowoc River, Wis; bridges.

(a) The draws of the Eighth Street bridge, mile 0.3, and Tenth Street bridge, mile 0.5, both of Manitowoc, shall open on signal except that:

(1) From April 1 through October 31, Monday through Friday, the bridges need not open from 6:50 a.m. to 7 a.m., 7:50 a.m. to 8 a.m., 11:55 a.m. to 12:10 p.m. and 12:45 p.m. to 1 p.m., except federal holidays.

(i) From 10:30 p.m. to 4:30 a.m. the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draws shall open on signal if at least a 12 hour advance notice is given.

(3) The opening signals for these bridges are:

Eight Street—one prolonged blast followed by one short blast.

Tenth Street—two short blasts followed by one prolonged blast.

(i) When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall open promptly so that such vessels shall not be held between the two bridges.

(b) The draw of the Soo Line Railroad Company bridge, mile 0.9, at Manitowoc, shall open on signal except that:

(1) From April 1 through October 31, between the hours of 10:30 p.m. and 4:30 p.m., the draws shall open on signal if at least a 6 hour advance notice is given.

(2) From November 1 through March 31 the draw shall open on signal if at least a 12 hour advance notice is given.

(3) The opening signal for this bridge is two short blasts followed by one prolonged blast.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: March 25, 1983.

Henry H. Bell,
Rear Admiral, Coast Guard, Commander,
Ninth Coast Guard District.

(FR Doc. 83-9138 Filed 4-6-83; 8:45 am)

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[Region II Docket No. 8; A-2-FRL 2329-4]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status, Designations for the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to announce the Environmental Protection Agency's proposed approval of a request from the Commonwealth of Puerto Rico to revise the air quality designation of the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards" for particulate matter. Such designations are required by Section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

DATE: Comments must be received on or before May 9, 1983.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of Puerto Rico's request and the Environmental Protection Agency's review of this material are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency,
Air Programs Branch, Room 1005,
Region II Office, 26 Federal Plaza,
New York, New York 10278
Commonwealth of Puerto Rico,
Environmental Quality Board, 204 Del
Parque Street, Santurce, Puerto Rico
00910

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been

revised from time to time at a state's request.

On January 25, 1983 the Commonwealth of Puerto Rico's Environmental Quality Board (EQB) submitted to EPA a request to revise the air quality designation of the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards" with respect to the secondary national ambient air quality standard for particulate matter.

The EQB's particulate matter redesignation request is based on air quality monitoring data and on reductions in particulate emissions. Consistent with EPA criteria for redesignations, the four total suspended particulate monitors located in the Guayanilla Air Basin¹ have shown no contraventions of the national ambient air quality standards for particulate matter during the past eight calendar quarters. The four total suspended particulate monitors used in this evaluation were as follows: Playa De Guayanilla (SAROAD ID# 401100001F02), Barrio Magas Arriba (SAROAD ID# 401100003F02), Barrio Magas Abajo (SAROAD ID# 401100004F02) and Monte Stella (SAROAD ID# 401100005F02).

EPA has reviewed the air quality data submitted by the EQB and concurs that no contraventions of the particulate matter secondary national ambient air quality standard have occurred during the past eight calendar quarters. Consequently, EPA is proposing to approve EQB's request to redesignate the Guayanilla Air Basin from "does not meet secondary standards" to "better than national standards."

EPA's proposed approval of this redesignation is based on its meeting the requirements of Sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by May 9, 1983 will be considered in EPA's final decision. All comments received will be available for

inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sections 107 and 301 of the Clean Air Act, as amended [42 U.S.C. 7407, 7601]).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 17, 1983.

Richard T. Dewling,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-8950 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 123

[SW-7-FRL 2339-6]

Missouri Application for Interim Authorization, Phase I and II, Components A and B, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Stay of public comment period and review period extension.

SUMMARY: This stay extends the public comment period on the Missouri Phase I and II, Components A and B Interim authorization application for an indefinite period of time. A previous Federal Register notice dated March 17, 1983 (48 FR 11301, March 17, 1983) by the Environmental Protection Agency (EPA) announced the availability of the Missouri Interim Authorization Application for public review and gave notice of an April 19, 1983, public hearing. On March 9, 1983, EPA asked the State to make certain legislative changes to bring State law into substantial equivalency with Federal law which required substantive application modifications. To allow for sufficient time to complete these changes and continue the review period, the State is requesting an indefinite suspension of the EPA application review and a stay of the public comment period. When the legislative changes are made and incorporated in the application, a new date of public hearing will be set which will allow the public the full 30 days in which to examine the application and offer their

comments prior to the public hearing. A new announcement of the public hearing date and final determination by EPA on the Missouri application will be made.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, (816) 374-6536.

Dated: March 29, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-9119 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte Nos. 55 (Sub-No. 43A) and MC-142 Sub-No. 1]

Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property; Removal of Restrictions From Authorities of Motor Carriers of Property)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to reopen proceedings and institute rulemakings required by recent court action.

SUMMARY: The purpose of this notice is to inform the public of the Commission's intent to reopen these proceedings to conduct a rulemaking for the purpose of modifying certain portions of the guidelines and policy statement previously promulgated. Such modification is required to comply with the court's mandate in *American Trucking Ass'n v. ICC (ATA)*, 659 F.2d 452 (5th Cir. 1982). The Supreme Court has denied the Commission's petition for a writ of certiorari. Notices of proposed rulemakings will be published in the Federal Register within 60 days of this publication and interested parties will be given an opportunity to comment. Pending the adoption of final rules, the Commission's notice of March 31, 1982 (47 FR 13603) advising all persons of the portions of the rules declared invalid and undertaking to decide future cases in accordance with the court's mandate, as clarified, shall remain in full force and effect.

FOR FURTHER INFORMATION CONTACT: Andrew L. Lyon, 202-275-7805, or Howell I. Sporn, 202-275-7691.

SUPPLEMENTARY INFORMATION: In Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)*, 364 I.C.C. 432 (45 FR 86798, December 31, 1980) and Ex Parte No. MC-142 (Sub-No. 1), *Removal of*

¹ The following is a description of the Guayanilla Air Basin: On the north, from a point at the intersection of PR-2 and the Municipal boundary of Yauco and Guayanilla, following PR-2 to the east up to and following PR-132 to intersect an imaginary line connecting the 270 meter contours of the mountainous territory northward to the Town of Guayanilla, up to the east boundary of this Basin; on the south, by the Guayanilla and Tallaboa Bay; on the east, by an imaginary longitudinal line connecting San Mateo Church (Penueles) and PR-2; and on the west, an imaginary longitudinal line connecting the intersection of PR-2 and the Municipal boundary of Yauco and Guayanilla with the southern coast of Puerto Rico near Punta Ventana.

Restrictions From Authorities of Motor Carriers of Property, 45 FR 86747 (December 31, 1980), we promulgated procedural rules and policy guidelines (1) for applicants for new authority to apply for broader grants of authority than had traditionally been authorized, and (2) for existing authority holders to seek removal of restrictions from and broadening of previously-issued narrow authorities.

In *American Trucking Ass'n v. ICC*, 659 F.2d 452 (5th Cir. 1981), the United States Court of Appeals for the Fifth Circuit held that certain of our guidelines were actually rules and that part of the rules were invalid. On February 25, 1982, the Fifth Circuit entered a writ of mandamus requiring the Commission to comply with the court's decision in *ATA*, to publish notice of the rescission of the invalidated portions of the rules, and to issue new replacement rules. The court also clarified its prior decision. *American Trucking Ass'n v. ICC*, 659 F.2d 957 (5th Cir. 1982).

The Commission then asked the United States Supreme Court to stay the Fifth Circuit mandamus order pending the filing and disposition of a petition for writ of certiorari with respect to that order. Although the stay was granted, the Commission stated that it would nevertheless comply with the Fifth Circuit's order in deciding cases. Accordingly, it published a notice in the *Federal Register* on March 21, 1982, indicating its intent to comply with the Court's order and describing those portions of the rules that the Court had declared invalid. See 47 FR 13603.

On March 7, 1983, the Supreme Court denied the Commission's petition for a writ of certiorari. *ICC v. American Trucking Ass'n*, No. 82-86, decided March 7, 1983, 51 U.S.L.W. 3647. Consequently, the Commission is now required to comply with the portion of the Fifth Circuit's mandamus order requiring a modification of those rules declared to be invalid. To do so, the Commission, within 60 days of this publication, will publish notices of proposed rulemaking in the proceedings in Ex Parte No. 55 (Sub-No. 43A) *supra*, and Ex Parte No. MC-142 (Sub-No. 1), *supra*. Notice of the proposed rule changes will be published in the *Federal Register* and interested parties will have opportunity to comment. Pending the adoption of final rules, our notice of March 21, 1982 shall remain in full force and effect and the Commission will continue to comply with the Fifth Circuit's mandate in deciding individual cases.

Decided: March 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-8746 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine *Torreya taxifolia* (Florida torreya) as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a tree, *Torreya taxifolia* (Florida torreya), as an Endangered species under the authority contained in the Endangered Species Act of 1973, as amended. This plant is endemic to the Apalachicola River area in Florida and Georgia. The primary threat to this species is a fungal disease, although past habitat reductions have occurred. This proposal, if made final, will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Torreya taxifolia*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the States of Florida and Georgia and the public must be received by June 6, 1983. Public hearing requests must be received by May 23, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection during normal business hours at the above address, by appointment.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION: An evergreen tree reaching 18 meters tall, *Torreya taxifolia* (Florida torreya) was first discovered in 1835 and formally described in 1838 (Arnott, 1838). The Florida torreya and other endemics of

the Apalachicola River system have received much attention from scientists and local residents. The relictual nature of the habitats accounts for the presence of many unique species (James, 1967). It has been proposed that during recent glaciations, species migrated southward by way of the Apalachicola River system which served as a refugium during cooling periods. The Apalachicola River is the only far south river system which has its head waters in the southern Appalachians. Cool moist conditions persisted on the bluffs and ravines of the Apalachicola after climatic change rendered the surrounding area much drier and warmer. The entire Apalachicola River bluff system today is an extremely diverse and unique ecosystem, of which *Torreya taxifolia* is a part.

Torreya taxifolia is a conifer, with whorled branches and stiff, sharp-pointed, needle-like leaves. The trees are conical in nature. Dark green fleshy seeds mature in the midsummer to fall. The leaves of the tree have a strongly pungent or resinous odor when crushed, thus one common name, "stinking cedar." A similar coniferous species of the same plant family (Taxaceae), *Taxus floridana* (Florida yew), also occurs in the Apalachicola River area. This small tree is easily distinguished from *Torreya taxifolia*. *Taxus floridana* was also initially recommended for listing as Endangered but recent (1982) studies indicate it is less vulnerable at this time than previously thought.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the *Federal Register* (40 CFR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, *Federal Register*

publication. *Torreya taxifolia* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice withdrawing the June 16, 1976, proposal, along with four other proposals which had expired. A 1981 report submitted by the Georgia Plant Program, investigations carried out by Service botanists (Washington Office and Jacksonville Area Office) during the winter of 1981, and a contract completed during 1982 on *Torreya taxifolia* and *taxus floridana*, have provided significant new data.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) states that the Secretary of Interior shall determine whether any species is an Endangered or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Torreya taxifolia* (Florida *torreya*) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range.—*Torreya taxifolia* occurs in the ravines along the eastern side of the Apalachicola River from Lake Seminole in Georgia to Bristol, Florida (Southeastern Wildlife Services, 1982). One population also occurs on the margin of Dog Pond (Florida) which lies to the west of the Apalachicola River.

The Georgia population contained 27 trees in 1981 and occurs entirely on public land administered by the U.S. Army Corps of Engineers (ACE) on the margins of Lake Seminole (Butler, 1981). The construction Lake Seminole has been reported to have resulted in the loss of habitat and possibly individuals of *Torreya taxifolia* (Milstead, 1978). The resource manager at Lake Seminole, however, feels that the impoundment level was below the elevation on the ravines where *Torreya taxifolia* occurs (Butler, 1981). Presently, this resource manager is sensitive to the need for proper management and protection of the species. This proper management and protection will need to continue and should not conflict with the present recreational use of the area.

The Florida populations occur on a State park, a city park, and privately owned lands. *Torreya* State Park was established for the protection of *Torreya taxifolia* and the unique bluff habitats

and species. A city park in Chattahoochee also provides some protected habitat for this species. The majority of the area occupied by *Torreya taxifolia* is in private ownership, however, where no protection status exists. Past habitat destruction has occurred due to housing developments (Baker and Smith, 1981). Another Army Corp of Engineers planned impoundment near Blountstown, Florida, is not expected to affect this species because the proposed high water mark is below the elevations at which *Torreya taxifolia* occurs. The steepness of the bluffs and ravines render them somewhat inappropriate for many types of agriculture, forestry, and housing. As a result, habitat destruction is not the major threat to this species at this time. Proper planning for the protection of this species will be necessary in relation to all ACE and any other future Federal projects.

B. Overutilization for commercial, recreational, scientific, or educational purposes.—Not applicable to this species.

C. Disease or predation (including grazing).—The major threat facing *Torreya taxifolia* is disease. Since 1962, natural populations have been drastically reduced or eliminated due to a fungal disease (Godfrey, 1962). The fungal disease causes necrosis of the needles and stems and severe defoliation; however, treatment through the application of fungicides seems possible (Alfieri *et al.*, 1967). All that remains in nature are root sprouts, reaching less than 3 meters in height (Baker and Smith, 1981). Trees formerly reached heights of 18 meters. Cultivated, uninfected specimens exist in various botanical gardens and can provide seeds and material for future recovery efforts. Through treatment of diseased individuals or breeding of resistant strains *Torreya taxifolia* can possibly be recovered. However, extensive research is needed to determine appropriate treatments and to investigate the possibilities of breeding trees resistant to the disease.

D. The inadequacy of existing regulatory mechanisms.—*Torreya taxifolia* is offered protection under Florida Law, Chapter 65-426, Section 865.06 which includes prohibitions concerning taking, transport, and the selling of plants listed under that law. *Torreya taxifolia* is also included under Georgia's Wild Flower Preservation Act of 1973 which prohibits taking from public lands and intrastate transport and sale of certain rare plant species. The Endangered Species Act would offer additional protection for the species through the recovery process

and interstate/international trade prohibitions.

E. Other natural or manmade factors affecting its continued existence.—The very limited range and small size of the populations of this species increase the possibility of loss of all or a significant portion of the species as a result of any accidental or natural catastrophe.

Critical Habitat

The Act requires that Critical Habitat be determined at the time of listing, where prudent. The Service has determined that it would not be prudent to determine Critical Habitat for *Torreya taxifolia* at this time. All mature viable trees are located in botanical gardens and arboreta. The wild trees do not now have good long-term survival prospects. The initial focus of recovery will be to address controlling the disease. After the disease has been overcome, recovery efforts would address reintroduction of the species into the wild, and Critical Habitat could be determined at that time, if found prudent to do so. Sites where the species could receive protection and proper management, such as the Army Corps land, the State and city park, and other areas could be chosen. It is not currently possible to determine which areas would be selected and, therefore, Critical Habitat determinations would be imprudent at this time.

Effects of This Rule

In addition to the effects discussed above, the effects of this proposal, if published as a final rule, would include, but would not necessarily be limited to, those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. Federal agencies are required under Section 7(a)(3) to confer with the Service on any action that is likely to jeopardize proposed species. This rule, if made final, will require Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species. Possible effects of this rule on the Army Corps of Engineers have already been discussed, and these are not major. No other Federal involvement is known to exist.

The Act and implementing regulations published in the June 24, 1977, Federal Register set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations pertaining to

Endangered plants are found at 50 CFR 17.61 and are summarized below.

With respect to *Torreya taxifolia* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act, 50 CFR 17.62 and 63, also provides for the issuance of permits to carry out otherwise prohibited activities involving Endangered species, under certain circumstances. International and interstate commercial trade in *Torreya taxifolia* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be sought or issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. Section 4(d) provides for regulations to provide this protection to Threatened plant species. This new prohibition will apply to *Torreya taxifolia* once it is listed. Permits for exceptions to this prohibition are available through Sections 10(a) of the Act, following the general approach of 50 CFR 17.72 until revised regulations are promulgated.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will review this species to determine whether it should be considered for the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere for placement upon its Annex, and whether it should be considered for other appropriate international agreements.

The Service determined on July 7, 1982, that this proposed action is not major as defined in Executive Order 12291, does not have a significant economic effect on a substantial number of small entities as defined in the Regulatory Flexibility Act, and does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). No small

businesses, organizations, groups, or small entities were identified which would be expected to be impacted by this rule. No direct costs, enforcement costs, or information collection and recordkeeping requirement were determined to be imposed on small entities if this proposal were adopted. Small entities in the area would include the cities of Chattahoochee and Bristol and private landowners, but it was determined that these will not be impacted by the listing. These findings were made as a result of analyses by the Office of Endangered Species of information received from the Chattahoochee Office of the Army Corps of Engineers, the State of Florida Department of Transportation and the Division of State Parks, the city of Chattahoochee, Fish and Wildlife Service Regional and Field personnel, local botanists, and private citizens.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined, by appointment, during regular business hours. This assessment forms the basis for a decision, that will be made at the time of final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500-08).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat or the lack thereof to *Torreya taxifolia*;
2. Additional information concerning the range and distribution of this species including specific location information;
3. Current or planned activities in the subject area; the probable impacts of such activities; and

Final promulgation of the regulations on *Torreya taxifolia* will take into consideration the comments and any additional information received by the Director, and such communications may

lead him to adopt a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

Author

The primary author of this proposed rule is Ms. E. LaVerne Smith, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

References

- Alfieri, S.A., Jr., A.P. Martinez, and C. Wehlburg. 1967. Stem and needle blight of Florida *Torreya* (*Torreya taxifolia* Arn.). *Proc. Florida State Horticultural Society*. 80: 428-31.
- Arnott, G.A.W. 1838. On the Genus *Torreya*. *Annals of Natural History*. 1: 128-32.
- Baker, G.S. and E.L. Smith. 1981. Field notes, maps, and report prepared for U.S. Fish and Wildlife Service files.
- Butler, Will. 1981. Status of the Florida *Torreya* in Georgia. Unpublished report prepared by the Georgia Protected Plants/Natural Areas program.
- Godfrey, R.K. and H. Kurz. 1962. The Florida *Torreya* destined for extinction. *Science*. 136: 900-02.
- James, C.W. 1961. Endemism in Florida. *Brittonia*. 13(3): 225-44.
- Milstead, Wayne. 1978. *Torreya Taxifolia* Status Report. Prepared for U.S. Fish and Wildlife Service.
- Southern Wildlife Services. 1982. A Distribution Survey of the Populations of *Taxus floridana* and *torreya taxifolia* in Florida.
- A report contracted for by the U.S. Fish and Wildlife Service.

List of Subjects: in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation is as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 83 Stat. 1241; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

§ 17.12 [Amended]

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order the following to the list of Endangered and Threatened plants:

• • • • •

Species		Historic range	Status	When listed	Critical habitat	Special rule(s)
Scientific name	Common name					
Taxaceae—Yew family: <i>Torreya taxifolia</i>	Florida torreys	U.S.A. (FL, GA)	E		N/A	N/A

Dated: February 7, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-0092 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 48, No. 68

Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Animal Quarantine Facility, Los Angeles, California; Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment for the conversion of an existing one story office building into an animal quarantine facility. The building to be converted is located at 5510 W. 104th Street in Los Angeles, California. APHIS has leased this building from a private owner who will convert the building in accordance with APHIS specifications. After conversion the building will have 48 stalls for horses, and 50 bird cages. The facility will be used to quarantine an estimated 600 horses and 625 pet birds that arrive each year at Los Angeles International Airport from foreign countries.

This assessment indicates that the proposed project will not cause any significant local, regional or national impacts on the environment. Based upon this Finding Of No Significant Impact (FONSI) it has been determined that the preparation and review of an Environmental Impact Statement (EIS) is not needed for this project.

Copies of this environmental assessment have been sent to the Environmental Protection Agency, appropriate State and local agencies and other interested parties.

FOR FURTHER INFORMATION CONTACT:

Copies of the environmental assessment are available upon request from Mr. Dennis Wilmet, Environmental Protection Specialist, APHIS, ASD,

Room 260, 6505 Belcrest Road, Hyattsville, MD 20782, Area Code (301) 436-8775.

SUPPLEMENTARY INFORMATION: The environmental assessment indicates that the animal quarantine facility will comply with local plans and zoning regulations. Special provisions in the design and operations of this facility will keep odors at a minimal level. About 63,000 pounds a year of solid waste from the facility will be disposed of in a landfill or off-site incinerator. About 3000 gallons a day of liquid wastes from the facility will be discharged into the public sewer system. The facility will have a negligible impact on air and water quality, traffic, and public services. The facility is not located in a 100 year flood plain and will not affect any endangered species or cultural resources. Seismic risk at this site is considered normal for the Los Angeles area.

Implementation of the proposed project will not be initiated until 30 days after publication of this notice in the Federal Register.

Done at Washington, D.C., this 4th day of April 1983.

James O. Lee, Jr.,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 83-9139 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Northeastern Area, State and Private Forestry; Cooperative Gypsy Moth Suppression Projects—1983; Decision Notice and Finding of No Significant Impact

An Environmental Assessment (EA) was prepared that documents the site-specific environmental analysis conducted by the USDA Forest Service and State agencies requesting Federal assistance for 1983 cooperative gypsy moth suppression projects. The EA discusses the purpose and need for action in 1983, treatment areas, insecticides, application methods, public involvement notification procedures, monitoring and associated environmental effects.

Cooperative suppression projects are proposed in:

Delaware—7,500 acres in the counties of New Castle and Kent;

Maryland—110,000 acres in the counties of Allegany, Anne Arundel, Baltimore, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, and Washington;

Massachusetts—10,000 acres in the counties of Barnstable, Berkshire, Bristol, Hampden, Middlesex, Plymouth, and Worcester;

New Jersey, Department of Agriculture—86,000 acres in the counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren;

New Jersey, Department of Environmental Protection—4,000 acres in the counties of Burlington, Monmouth, and Salem;

New York—15,000 acres in the counties of Albany, Broome, Essex, New York, Orange, Schuyler, Suffolk, and Sullivan;

Pennsylvania—400,000 acres in the counties of Adams, Bedford, Berks, Blair, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Susquehanna, Wayne, Wyoming, and York;

Rhode Island—32,000 acres in the counties of Bristol, Kent, Newport, Providence, and Washington;

West Virginia—13,000 acres in the counties of Berkeley and Morgan.

Alternatives for cooperative gypsy moth suppression projects were previously discussed in the Final Programmatic Environmental Impact Statement (FPEIS) for Cooperative Gypsy Moth Suppression and Regulatory Program Activities (USDA FS-FPEIS 81-01) issued February 27, 1981. The alternative selected by the USDA Forest Service in the FPEIS was to provide financial and technical assistance to support an integrated pest management approach to suppress gypsy moth populations in the northeastern United States. The selected alternative guides USDA Forest Service consideration of annual State requests for financial assistance.

The 1983 proposed State cooperative suppression projects meet USDA Forest Service environmental, biological, and economic criteria for financial assistance. Therefore, I have determined that a Federal role exists.

It is my decision to provide Federal financial assistance and technical

support for cooperative gypsy moth suppression projects as proposed by cooperating State agencies and discussed in the EA, to the extent that current Federal funds will permit.

This decision recognizes that damaging gypsy moth populations will remain at high levels within the generally infested area of the Northeast and that natural spread of the insect will continue into adjacent uninfested areas.

Finding of No Significant Impact

Based on the analysis described in the EA, I have determined that this is not a major Federal action and that the proposed 1983 cooperative suppression projects will not cause any significant environmental impacts or adverse effects which have not already been addressed in the FPEIS. Therefore, a revised or amended environmental impact statement is not needed. This decision was made considering the following factors: (a) All chemical and biological insecticides are approved by the EPA; (b) applications of chemical and biological insecticides will comply with applicable EPA labels and State and Federal law; and (c) public involvement, public notification, treatment area selection, insecticide selection, performance standards, and monitoring procedures that are used in cooperative gypsy moth suppression projects will reduce the potential for adverse environmental effects on the areas treated.

Copies of the EA are available for public review at the following offices:

Delaware Department of Agriculture,
Division of Production and Promotion,
Forestry Section, Drawer D, Dover, DE
19901

Maryland Department of Agriculture,
Offices of Plant Industries & Pest
Management, Parole Plaza Office
Building, Annapolis, MD 21401

Massachusetts Department of
Environmental Management, Division
of Forests and Parks, 100 Cambridge
Street, Boston, MA 02202

New Jersey Department of Agriculture,
Division of Plant Industries, Health
and Agriculture Building, John Fitch
Plaza, Trenton, NJ 08625

New Jersey Department of
Environmental Protection, Division of
Parks and Forestry, Forestry Services,
CN-401, Trenton, NJ 08625

Pennsylvania Department of
Environmental Resources, Bureau of
Forestry, 100 Evangelical Press
Building, Third and Rely Streets,
Harrisburg, PA 17120

New York Department of Environmental
Conservation, Bureau of Forest
Management, 50 Wolf Road, Albany,
NY 12233

Rhode Island Department of
Environmental Management, Division
of Forest Environment, Veterans
Memorial Building, 83 Park Street,
Providence, RI 02903

West Virginia Department of
Agriculture, Division of Plant Pest
Control, State Capitol, Charleston,
WV 2305

USDA Forest Service, Northeastern
Area State and Private Forestry, 370
Reed Road, Broomall, PA 19008

USDA Forest Service, Northeastern
Area State and Private Forestry, Louis
C. Wyman Forestry Sciences
Laboratory, P.O. Box 640, Durham, NH
03824

USDA Forest Service, Northeastern
Area State and Private Forestry, 180
Canfield Street, Morgantown, WV
26505

This decision is not subject to
administrative review pursuant to 36
CFR 211.19. Implementation may take
place immediately after the date of this
decision.

Dated March 30, 1983.

Thomas N. Schenarts,
Area Director, Northeastern Area State and
Private Forestry, 370 Reed Road, Broomall,
PA 19008.

(FR Doc. 83-9036 Filed 4-6-83; 8:45 am)

BILLING CODE 3410-11-M

Inyo National Forest Grazing Advisory Board; Meeting

A meeting of the Inyo National Forest
Grazing Advisory Board is scheduled for
10 a.m. on Tuesday, May 10, 1983. The
meeting will be in the Forest Service
conference room at 873 North Main St.
in Bishop, California 93514.

The purpose of the meeting will be to
discuss priority funding of range
betterment activities during the 1984
fiscal year, recommendations of the
Board concerning Forest Service grazing
allotment management policies, the
need for subcommittees, and a future
meeting date.

The meeting will be open to the
public. Written statements may be filed
with the committee before or after the
meeting. Those persons desiring to
speak at the meeting will be given an
opportunity to do so. Jim Cooper may be
contacted for further clarification by
calling (619) 873-5841 or writing to the
above address.

Dated: April 1, 1983.

Eugene E. Murphy,
Forest Supervisor.

(FR Doc. 83-9037 Filed 4-6-83; 8:45 am)

BILLING CODE 3410-11-M

Northeastern Area State and Private Forestry; Financial Assistance, Cooperative Federal-State Spruce Budworm; Integrated Pest Management Program, Maine, 1983

An environmental assessment (EA)
that discusses the proposed Cooperative
1983 Integrated Pest Management (IPM)
Program for spruce budworm in Maine
has been prepared and is now available
to the public. Under the 1983 Program,
the Maine Forest Service in cooperation
with the USDA Forest Service proposed
to provide silvicultural assistance to
small woodlot owners, utilization-
marketing assistance, application of
chemical insecticides on 850,000 acres,
and application of biological
insecticides on 150,000 acres in
Aroostook, Franklin, Hancock,
Penobscot, Piscataquis, Somerset, and
Washington Counties. These actions are
part of a proposed 5-year (1981-1985)
Integrated Pest Management Program.
This Program is described in a Final
Programmatic Environmental Impact
Statement (FPEIS) prepared in 1981.

Decision Notice

It is my decision, since no Federal
funds are available for cooperative
suppression in Maine this year, to
provide only technical assistance to
Maine during the 1983 program. As
described in the FPEIS selected
alternative (p. 72) and the 1981 Record
of Decision, Federal participation in the
1983 Program is contingent upon the
environmental analysis process,
availability of Federal funds, and a
demonstrated commitment by Maine to
significantly reduce the use of chemical
insecticides, significantly increase
assistance to small woodlot owners,
increase utilization-marketing
assistance, and increase use of
biological insecticides.

The proposed 1983 Program meets the
requirements specified in the USDA
Forest Service's selected alternative in
the FPEIS. The 1983 proposed program
also meets USDA Forest Service
environmental, biological, and economic
criteria for financial assistance, and a
Federal role exists. Mitigation measures,
specific requirements, and monitoring
described in the FPEIS and the 1983 EA
are adopted as minimum precautions.

Findings of No Significant Impact

I have determined that the proposed
1983 program will not cause any
significant adverse effects which exceed
those already addressed in the FPEIS.
Therefore, an environmental impact
statement will not be prepared. This
determination was made considering the

following factors: (a) Management requirements and constraints and mitigation measures insure against significant adverse effects; (b) application of chemicals and biologicals will comply with applicable EPA labels, and State and Federal laws and with USDA Forest Service and Maine Forest Service policies; (c) physical and biological effects are limited to the areas of planned treatment; and (d) all chemicals and biologicals are registered by the U.S. Environmental Protection Agency for the proposed use.

Implementation is not expected to take place until 30 days after the date of this decision. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: March 29, 1983.

Thomas N. Schenarts,

Area Director, Northeastern Area State and Private Forestry.

[FR Doc. 83-9097 Filed 4-6-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Investigation of Imports of Metal-Cutting and Metal-Forming Machine Tools

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an investigation is being conducted under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) to determine the effects on the national security of imports of metal-cutting and metal-forming machine tools. Interested parties are invited to submit written comments, opinions, data, information or advice to the Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce.

EFFECTIVE DATE: Comments must be received by June 1, 1983.

ADDRESS: Written comments, in ten copies, should be sent to: Robert F. Kan, Program Manager, Resource Assessment Division, Office of Industrial Resource Administration, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Robert F. Kan, Program Manager,

Resource Assessment Division, Office of Industrial Resource Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-3795.

SUPPLEMENTARY INFORMATION: In an application submitted by the National Machine Tool Builders' Association on March 10, 1983, the Secretary of Commerce was requested to initiate an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of imports of machine tools. On March 14, 1983 the Department of Commerce confirmed receipt of and accepted the application to conduct the investigation. The results of the investigation will be reported by the Secretary of Commerce to the President by March 14, 1984.

The articles to be investigated, metal-cutting type and metal-forming type machine tools, are best described by Standard Industrial Classification Codes 3541 and 3542, and by the Tariff Schedules of the United States Annotated (1981) (TSUS) items 874.1010 and 874.3025 through 874.3599, excluding TSUS classifications for used or rebuilt equipment and equipment valued at less than \$2,500.

This investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR Part 359. Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this investigation to the Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce, by June 1, 1983.

All relevant material will be helpful, however, the Department is particularly interested in comments and information directed to the criteria listed in § 359.4 of the Regulations (15 CFR 359.4) as they affect the national security.

(a) Quantity of and circumstances related to the importation of these articles;

(b) Domestic production and productive capacity of these items to meet anticipated national security requirements;

(c) Existing and potential availability of skilled labor, raw materials, production equipment and facilities to produce these items;

(d) Growth requirements of domestic industries (if any) to meet national security requirements and/or requirements to assure such growth;

(e) The impact of foreign competition on the economic welfare and on the capacity of the domestic industry to meet national security needs;

(f) The impact of imports on domestic competition, productivity, and the strength of the domestic industry to meet national security requirements.

All material should be submitted in 10 copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be business confidential as provided in § 359.6 of the Regulations (15 CFR 359.6).

Communications from agencies of the United States Government or from foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW, Washington, DC 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations.

Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer (202-377-3031).

If deemed appropriate by the Department, public hearings may be held to elicit further information as provided in § 359.8 (15 CFR 359.8) of the regulations. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate. The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding imports of machine tools shall be given to the President no later than March 14, 1984.

Dated: April 6, 1983.

Vincent F. DeCain,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 83-9120 Filed 4-5-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Issuance of Permit; Outer Continental Shelf Environmental Assessment Program

On January 11, 1983, Notice was published in the Federal Register (48 FR 1212), that an application had been filed

with the National Marine Fisheries Service, by Outer Continental Shelf Environmental Assessment Program, national Ocean Service, Juneau, Alaska, for a Scientific Research Permit to take up to 5,000 ringed seals by harassment over a period of three years.

Notice is hereby given that on April 1, 1983, the National Marine Fisheries Service issued a Scientific Research Permit authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), to the Outer Continental Shelf Environmental Assessment Program subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 1, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-9125 Filed 4-6-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in the Textile Category System

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the textile category system.

SUMMARY: The Correlation: Textile and Apparel Categories with the Tariff Schedules for the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A. reflecting certain administrative changes require amendments to the Correlation. These changes are cited on the list which follows this notice.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Dated: April 4, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

CHANGES TO THE CORRELATION

Category	New T.S.U.S.A.'s beginning April 1, 1983
659	Change 379.3340 to: 379.3331 Men's and boys' ornamented man-made fiber vests with attachments for sleeves. 379.3350 Other
659	Change 379.9645 to: 379.9636 Men's and boys' not ornamented man-made fiber vests with attachments for sleeves. 379.9650 Other
659	Change 383.2360 to: 383.2351 Women's, girls', and infants' ornamented man-made fiber vests with attachments for sleeves. 383.2365 Other
659	Change 383.9290 to: 383.9267 Women's, girls', and infants' not ornamented man-made fiber vests with attachments for sleeves. 383.9291 Other
635	Change 383.8115 to: 383.8108 Reversible sweater jackets, women's girls' and infants'. 383.8114 Other coats women's. 383.8117 Other coats, girls' and infants'.
634	Change 379.8910 to: 379.8908 Reversible sweater jackets, men's and boys'. 379.8911 Other coats.
337	Change 383.5040 to: 383.5038 Infants corduroy playsuits. 383.5039 Other corduroy playsuits.

[FR Doc. 83-9124 Filed 4-6-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Viral & Rickettsial Diseases.

Date of Meeting: 21 and 22 April 1983.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 1015 hrs on 21 April for the administrative review and discussion of the scientific research program of the Viral and Rickettsial Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), United States Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1030 to 1630 hrs on 21 April and from 0900 to 1200 hrs on 22 April for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel

qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander.

[FR Doc. 83-9174 Filed 4-6-83; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Environmental Assessment for the Disposal of Surplus Pesticide Products

AGENCY: Defense Logistics Agency, Defense Property Disposal Service, DOD.

ACTION: Notice of finding of no significant impact.

SUMMARY: This announces completion of an Environmental Assessment for the Disposal of Surplus Pesticide Products and a Finding of No Significant Impact. Public notice is required by the Council on Environmental Quality Regulations (40 CFR 1501.4).

FOR FURTHER INFORMATION CONTACT: Robert Panebianco, Environmental Protection Specialist, Defense Property Disposal Service, Federal Center (DPDS-HEA), Battle Creek, MI 49016, Telephone: (616) 962-6511, ext. 6860 or 6647.

SUPPLEMENTARY INFORMATION: The Environmental Assessment prepared for the disposal of pesticide products generated by DOD activities concludes that the recommended methods of disposal will not result in significant adverse impact to the environment. As a result of this finding, it has been determined that preparation of an Environmental Impact Statement is not necessary.

The Defense Logistics Agency, through the Defense Property Disposal Service (DPDS), is responsible for the disposal of all pesticide products excess to the needs of DOD activities. If these products cannot be reutilized or sold, they are disposed of. Pesticides were grouped into chemical categories and disposal options for each category were explored in the Environmental Assessment.

The potential ultimate disposal methods examined included: no action, landfilling, incineration, and chemical/

physical methods. Inorganic compounds may be safely disposed of by burial in a secure landfill or by a chemical/physical method that produces non-toxic products. Metallo-organic compounds, especially those containing lead, cadmium, mercury, and arsenic, can be buried in a secure landfill or chemically treated to remove the toxic elements for recycling or disposal. The organic pesticides, including the organohalogens, organonitrogen, and organophosphate compounds can be disposed of in several ways.

Incineration in a properly designed and operated facility is most desirable from an environmental point of view, since this destroys the compound completely. The organic pesticides may also be landfilled or broken down by chemical methods that produce inert substances.

Few, if any, of the disposal alternatives discussed above will be performed by DPDS. Therefore, service contracts will be let for the vast majority of pesticide disposal actions. The Statement of Work for these contracts will indicate recommended disposal alternatives and any other requirements needed for environmental protection during the disposal process. DPDS may monitor the operations of the firm selected and will terminate operations if any adverse environmental impacts appear likely.

Interested persons may forward comments on the Environmental Assessment to Mr. Robert Panebianco, Defense Property Disposal Service (DPDS-HEA), Federal Center, Battle Creek, MI 49016. All comments should be received within 30 days of publication of this notice. A limited number of copies of the Environmental Assessment are available to fill single copy requests from the above address. The Environmental Assessment is also available for review at the Defense Logistics Agency Library, Room 4D131, Cameron Station, Alexandria, VA 22314.

Dated: April 1, 1983.

Christ F. Potamos,
Colonel, Staff Director, Installation Services and Environmental Protection.

[FR Doc. 83-0111 Filed 4-6-83; 8:45 am]

BILLING CODE 3620-01-M

Privacy Act of 1974; Amendment To Notices for Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendments to notices for systems of records.

SUMMARY: The Defense Logistics Agency proposes to amend three notices for system of records, subject to the

Privacy Act of 1974. The amended systems are set forth below.

DATE: These changes shall be effective May 9, 1983.

ADDRESS: Send any comments to: Director, Defense Manpower Data Center, 300 North Washington Street, Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Mr. Preston B. Speed, Chief, Administrative Management Branch, Cameron Station, Alexandria, VA 22314, telephone: 202/274-6234.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency system of records notice for systems of records subject to The Privacy Act of 1974, Title 5, U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*) were published in the Federal Register at 47 FR 2574, January 18, 1982.

These amendments do not require an altered system report as prescribed by 5 U.S.C. 552a(o).

Dated: April 4, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

S322.20 DLA-LZ

System Name:

Reenlistment Eligible File (RECRUIT).
Changes:

System Location:

Delete:
"Back-up file: Department of Defense Manpower Data Center, 7th Floor, 300 N. Washington St., Alexandria, VA 22314."

Categories of Individuals Covered by the System:

Delete:
"during the immediately preceding forty-eight months" and substitute therefor "since 1971."

Storage:

Delete:
Delete entire entry and substitute therefor "Magnetic disc with magnetic tape back-up."

Safeguards:

Delete:
"Alexandria, Virginia location has tape storage areas in locked room accessible only to authorized personnel; building is locked after hours."

Retention and Disposal:

Delete:
Delete "more than forty-eight months old are purged from the system" and substitute therefor "are maintained permanently."

System Manager(s) and Address:

Delete:

Delete the phrase "On-Line Systems Division" and substitute therefor "DEERS Branch."

S322.35 DLA-LZ

System Name:

Survey Data Base.
Changes:

System Location:

Delete:
"7th Floor, 300 N. Washington, St., Alexandria, VA 22314 and".

Record Access Procedures:

Delete:
In the second paragraph delete the figures "301" after the word "current" and before the word "address".

S322.65 DLA-LZ

System Name:

Retired Personnel Master File.
Changes:

System Location:

Delete:
"Back-up locations for processing: Air Force Data Services Center, Room 1D-167, The Pentagon, Washington, D.C. 20330."

"U.S. Army Management Systems Support Agency, Room BD-972, The Pentagon, Washington, D.C. 20310."
"National Military Command Systems Support Center, Room BE-685, The Pentagon, Washington, D.C. 20331."

"Selective historic files are maintained at Air Force Data Services Center, Room 1D-167, The Pentagon, Washington, D.C. pursuant to court order in IMB anti-trust case. These files will be withdrawn from current location when legally permissible."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Delete:

In the fourth line, delete the phrase "Civil Service Commission" and substitute therefor the phrase "Office of Personnel Management."

Safeguards:

Delete:

"The Air Force Data Services Center, the U.S. Army Management Systems Support Agency, and the National Command Systems Support Center are all TOP SECRET facilities."

System Manager(s) and Address:

Delete:

Delete the word "Chief" and substitute therefor the word "Director".

Notification Procedures:

Delete entire entry and enter:
"Information may be obtained from the System Manager."

Records Access Procedures:

Delete the word "Chief" in line 2 and substitute therefor the word "Director".

S322.20 DLA-LZ

SYSTEM NAME:

Reenlistment Eligible File (RECRUIT).

SYSTEM LOCATION:

Primary location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

BACKUP LOCATION:

Offices of the Defense Manpower Data Center, Monterey, CA.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Former enlisted personnel of the military services who separated from active duty since 1971.

STORAGE:

Magnetic disc with magnetic tape backup.

RETENTION AND DISPOSAL:

Records are maintained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, DEERTS Branch, Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940.

S322.35 DLA-LZ

SYSTEM NAME:

Survey Data Base.

SYSTEM LOCATION:

Primary Location: W. R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940.

BACKUP LOCATION:

Defense Manpower Data Center Offices, Alexandria, VA and Monterey, CA.

S322.65 DLA-LZ

SYSTEM NAME:

Retired Personnel Master File.

SYSTEM LOCATION:

Primary Location: W. R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93940.

Backup File maintained at the offices of the Defense Manpower Data Center in Alexandria, VA and Monterey, CA.

Decentralized segments—military personnel and finance centers of the military services; selected civilian contractors with research contracts in the manpower area, other Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Defense Manpower Data Center uses the records for estimating retired pay budgets; future retired populations trends in retirement rates; costs of increases in retired pay; and answering congressional inquiries. The office of Personnel Management uses the records to identify military personnel who are federal civilian employees. Records may be transferred to any Component of the Department of Defense having an official need for the records. Records are used to determine eligibility for military medical care and other benefits provided by the Department of Defense to retired personnel or survivors. Records may be disclosed to the Selective Service System for use in wartime or emergency mobilization planning. Records are also disclosed to the DoD Components or other federal agencies to identify individuals employed as federal civilian employees who may be mobilized in the event of a national emergency.

SAFEGUARDS:

Primary Location—at W. R. Church Computer Center tapes are stored in a locked cage in machine room, which is a controlled access area. Tapes can only be physically accessed by computer center personnel and can be mounted for processing only if appropriate security codes are provided.

At backup locations in Alexandria, VA and Monterey, CA tapes are stored in rooms protected by cypher locks, the buildings are locked during non-duty hours and only properly cleared and authorized personnel have access.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director, Defense Manpower Data Center (DMDC), 550 Camino El Estero Monterey, CA 93940.

NOTIFICATION PROCEDURES:

Information may be obtained from the System Manager.

RECORDS ACCESS PROCEDURES:

Requests from individuals should be addressed to: Deputy Director, Defense

Manpower Data Center (DMDC), 550 Camino El Estero, Monterey, CA 93940. Written requests for information should contain full name, SSAN, and current address and telephone numbers of requester. For personal visits, the individual should be able to provide some acceptable identification such as driver's license, military or other identification card.

[FR Doc. 83-9146 Filed 4-6-83; 8:45 am]
BILLING CODE 3810-01-M

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Membership Military Affiliate Radio System (MARS) DD form 630.

Used to collect information by which to make a determination as to the applicant's eligibility for membership in Navy-Marine Corps MARS is made.

Amateur Radio Operators who have an interest in joining Navy-Marine Corps Military Affiliate Radio System: 1000 responses, 375 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John v. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Mr. A. R. Delperdang, Naval Telecommunications Command Headquarters (Code MARS), 4401 Massachusetts Ave., NW., Washington, D.C. telephone (202) 282-0840.

Dated: April 4, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-9096 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows: Friday, 13 May 1983, Plaza West, Rosslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

Dated: April 1, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-9094 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows: Monday & Tuesday, 2-3 May 1983, Plaza West, Rosslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on chemical and biological warfare.

Dated: April 1, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[FR Doc. 83-9095 Filed 4-6-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Dose Assessment Advisory Group; Open Subcommittee Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 88 Stat. 770), notice is hereby given of the following advisory committee's subcommittee meeting regarding the operation of the Coordination and Information Center (CIC).

Name: Dose Assessment Advisory Group (DAAG)

Date and Time: Friday, April 22, 1983—2:00 p.m.—5:00 p.m.

Place: U.S. Department of Energy Nevada Operations Office Auditorium 2753 South Highland Drive Las Vegas, NV 89114

Contact: Marshall Page, Jr. Deputy Project Manager Off-Site Radiation Exposure Review Project Nevada Operations Office U.S. Department of Energy P.O. Box 14100 Las Vegas, NV 89114 Telephone: 703/734-3194

Purpose of Group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative Agenda

- Overview of the Coordination and Information Center (CIC)
- Review of work performed by the CIC
- Discussion of Future Activities and Time Scales
- Public Comments and Questions (5 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the group is empowered to conduct the meeting in a fashion that will in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page at the address or telephone number listed above.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m.

and 4:00 p.m., Monday through Friday, except Federal holidays.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 83-9109 Filed 4-6-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Sale of Nonfirm Energy to Utilities for Irrigation Loads and Request for Comments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice and request for comments.

SUMMARY: The Bonneville Power Administration has determined that it will have large amounts of nonfirm or surplus firm energy available through October 31, 1983, in addition to energy for all its existing obligations. In the absence of additional sales, substantial amounts of hydroelectric energy will be foregone for lack of markets. BPA has authority to dispose of this energy.

Irrigated agriculture in the Northwest is suffering from depressed agricultural markets and increased costs of operation, including increased electricity costs. In order to stimulate economic recovery of Northwest irrigated agriculture, and thereby encourage the widest possible use of current power surpluses, and to assure the continuing viability of irrigation loads, BPA proposes to offer nonfirm energy to its utility customers for increases in irrigation loads above loads which would have occurred absent BPA's offer. Participating utilities would be required to pass through savings to irrigators.

This short-term sale would be effective only through October 31, 1983. BPA would sell nonfirm energy to utilities for this purpose under its current nonfirm energy (NF-2) rate schedule. Utilities participating in this sale must pass through this low-cost energy to identified participating irrigators at a minimal price, which BPA proposes should not exceed 1½ mills above the effective BPA rate.

BPA requests comments on this proposal. Copies of the proposed BPA/utility contract for such sales and a paper outlining the principles of the sale are available from the BPA Public Involvement office.

DATE: Comments on the Irrigation Sale Proposal will be accepted by mail or telephone through April 14, 1983.

ADDRESS: Submit comments to Ms. Donna L. Geiger, Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 1983, BPA requested comments on a then proposed short-term sale of nonfirm energy to its Direct-Service Industrial Customers (DSIs). BPA also requested comments on principles for sales of nonfirm energy to its customers for interruptible industrial and irrigation loads.

To date, BPA has received almost 50 comments on the two issues. The contract for the short-term sale to the DSIs was revised in the light of comments received on that subject and has been offered to the DSIs. This notice responds to comments received on principles for sale of nonfirm energy for interruptible loads, as those principles apply to irrigation loads.

Comments on Irrigation Loads to Date

Commenters who expressed opinions on irrigation issues frequently noted

the disparity in terms between the principles for nonfirm sales as they would apply to irrigators and the offer made to the DSIs. The DSI offer is a short-term arrangement based on the current availability of large amounts of nonfirm energy. The principles for nonfirm sales for interruptible loads were intended to apply whenever nonfirm energy is available, in 1983 or any other year. As expressed, commenters said those principles would primarily benefit industrial loads and would be difficult or impossible to apply to most irrigation loads. These comments have been taken into consideration in developing this proposal.

Commenters stated that agriculture is in "just as dire straits economically" as the DSIs. Commenting farmers who previously irrigated crops stated they can no longer afford to do so and intended to revert to dry-land farming or take acreage out of production. These commenters recommended that BPA devise some means of making nonfirm energy available this year to irrigated agriculture in terms similar to the DSI offer. This, they suggested, would help farmers stay in business through the current recession and help maintain future irrigation loads, even if nonfirm energy is not available to irrigators in future years.

BPA Response

In response to these comments, BPA proposes to offer nonfirm energy for irrigation loads on a short-term basis. BPA's primary objective in making this proposal is to provide low-cost energy to regional irrigators to enable them to lower their production costs or increase crop output beyond that which would have been economic if nonfirm energy were not available. Irrigators can thereby share in the benefits of a "good" water year.

To avoid revenue loss to BPA and its customers, energy made available under this proposal would be intended to be used only for pumping water for crop irrigation in amounts exceeding the amounts which might otherwise have been used. The short-term nonfirm energy sale would not be a substitute for anticipated firm power sales.

BPA intends to offer nonfirm energy to utilities under this proposal on April 15, 1983. The offer will close on May 1, 1983. The contract will remain in effect for participating utilities through October 31, 1983, the day prior to the effective date of BPA's 1983 rates.

Meanwhile, BPA intends to continue to develop a long-term policy on nonfirm sales to interruptible industrial and irrigation loads, and plan to publish a

proposed policy on this subject later this spring.

Power Situation

BPA's proposed short-term offer of nonfirm energy for irrigation loads is based on the expectation that BPA will have substantial amounts of surplus firm or nonfirm energy available through October 31, 1983. The most recent forecast for the Columbia River Basin projects a runoff of 121 million acre feet for January through July 1983—110 percent of normal. BPA loads in recent month have been running between 10 and 14 percent below expectations. Columbia River system reservoirs are currently at flood control levels. Under these conditions, BPA expects to spill energy—to have more hydroelectric energy available for sale than markets can absorb—through July 31, 1983, and possibly into August. BPA must either sell this energy or waste the energy potential of this water by spilling it over dams instead of running water through generating turbines. BPA has also determined the availability of large amounts of firm surplus energy through operating year 1983-84.

These surplus and nonfirm energy figures do not include sales to BPA's DSI customers under their short-term contract. To date, DSI loads have increased some 250 average megawatts as a result of that contract. BPA expects it will have ample energy available to meet DSI loads, all other obligations, and any irrigation load increases resulting from the present proposal.

Irrigation Load

Retail Northwest irrigation sales are approximately 5 million megawatt-hours per year, with a peak irrigation load between 600 and 700 megawatts. BPA has estimated that 1983 irrigation sales would range between 4 to 4½ million megawatt-hours. These projected sales reflect reduced crop acreage due to poor market prices and the U.S. Department of Agriculture Payment in Kind program; the expected cool, wet summer; and increased electric rates.

While this proposed sale may increase the amount of acreage in irrigated agriculture over current projections for 1983, BPA does not expect this short-term sale to cause any appreciable irrigation of land which has not been previously irrigated.

Proposed Terms of Sale

Under the terms of the proposed contract, each participating Northwest utility would estimate what its irrigation load would have been for 1983 absent any offer from BPA. BPA would offer

nonfirm energy for irrigation sales in excess of utilities' estimated 1983 irrigation load, as long as that estimated load is 70 percent or more of the utility's 1982 irrigation load. Power purchases for irrigation loads up to estimated 1983 irrigation loads would be sold at BPA's existing rate for priority firm energy. Only those purchases for irrigation loads above this baseline would be sold at the applicable nonfirm rates.

Each utility participating in the contract would identify specific irrigators who will use the nonfirm irrigation energy. The utilities will pass on the reduced costs of this energy to these irrigators with only a minimal additional charge for distribution and administrative costs.

Establishing estimated 1983 irrigation sales on a utility-by-utility rather than a regionwide basis is intended to permit equitable treatment or regional variations in the factors influencing irrigation sales, such as retail electricity prices, weather, and the U.S. Department of Agriculture Payment in Kind program. The minimal allowed retail markup on irrigation sales above expected irrigation loads is intended to deter utilities from underestimating irrigation sales and causing relative reductions in BPA's revenues.

Rate

BPA proposes to sell nonfirm energy for irrigation loads under its existing NF-2 rate schedule for nonfirm energy. There are two alternate rates available within this schedule which might appropriately be used in this sale. BPA could either charge all nonfirm energy sold under this proposal at the NF-2 contract rate of 11.2 mills per kilowatt-hour, or charge 9 mills per kilowatt-hour when the hydroelectric system is in spill or imminent danger of spilling, and 18 mills when the hydroelectric system is not in imminent danger of spilling. BPA is particularly interested in receiving comments on these alternatives.

National Environmental Policy Act Compliance

BPA environmental staff will undertake appropriate procedures to comply with the National Environmental Policy Act prior to BPA's decision to proceed with the proposal.

Comments Requested

BPA wishes to make this offer for irrigation loads as soon as possible, so that farmers can adjust their irrigation schedules in response to the offer. BPA therefore requests that those who wish to comment on this proposal do so immediately. Comments will be

accepted through April 14, 1983. BPA intends to offer the contract to utilities with irrigation loads on April 15, 1983. The offer will remain open through May 1, 1983.

Those comments BPA received on irrigation issues in the context of its March 14 request for comments have been taken into consideration in developing this proposal and will again be reviewed before the offer is made final. Those persons who have submitted comments are welcome to respond further to the terms of this proposal, but need not resubmit comments made previously.

Copies of the proposed contract and principles of the irrigation sale are available from the BPA Public Involvement office at the address and telephone number listed above.

Issued in Portland, Oregon, April 4, 1983.

James J. Jura,

Acting Administrator.

[FR Doc. 83-9317 Filed 4-6-83; 10:04 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51461; TSH-FRL 2342-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a) (1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a) (1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipts of twenty PMNs and provides a summary Period:

PMN 83-588, 83-589, 83-590 and 83-591—June 22, 1983
 PMN 83-592, 83-593, 83-594 and 83-595—June 25, 1983
 PMN 83-596, 83-597, 83-598, 83-599, 83-600 and 83-601—June 26, 1983
 PMN 83-602 and 83-603—June 27, 1983
 PMN 83-604, 83-605, 83-606 and 83-607—June 28, 1983

Written comments by:

PMN 83-588, 83-589, 83-590 and 83-591—May 23, 1983
 PMN 83-592, 83-593, 83-594 and 83-595—May 26, 1983

PMN 83-596, 83-597, 83-598, 83-599, 83-600 and 83-601—May 27, 1983
 PMN 83-602 and 83-603—May 28, 1983
 PMN 83-604, 83-605, 83-606 and—May 29, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS-51461]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-588

Manufacturer. The Ensign-Bickford Company.

Chemical. (S) 2,6-bis(picrylamino) pyridine.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-589

Manufacturer. The Ensign-Bickford Company.

Chemical. (S) 2,6-bis(picrylamino)-3,5-dinitropyridine.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Irritation: Skin—Non-irritant, Eye—Mild; Skin sensitization: Not a sensitizer.

Exposure. Disposal: dermal, a total of 1 worker, up to 1 hr/da, up to 2 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-590

Importer. Confidential.

Chemical. (G) Arylsulfonic acid, [[[arylamino]phenyl]azo] compound with alkanolamine.

Use/Import. (S) Colorant for leather. Import range: 1,300-2,200 kg/yr.

Toxicity Data. Acute oral: >10 g/kg; Irritation: Skin—Non-irritant, Eye—Irritant; LC₅₀, 48 hr. 10-100 mg/l; Biodegradation: 50-100%, static method. *Exposure.* Processing: dermal, a total of 2 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by publicly owned treatment works (POTW) and approved landfill.

PMN 83-591

Manufacturer. Confidential.
Chemical. (G) Styrene-acrylic terpolymer.

Use/Production. (G) Incorporated into toners for use with dry photo copy machines. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by approved site.

PMN 83-592

Manufacturer. Confidential.
Chemical. (G) Acrylic acid polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: inhalation, 12 persons/shift.

Environmental Release/Disposal. Disposal by POTW, biological treatment system and approved landfill.

PMN 83-593

Manufacturer. Confidential.
Chemical. (G) Dialkylamino xlenol.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 3,080 mg/kg; Irritation: Skin—Non-irritant, Eye—Severe.

Exposure. Manufacture and processing: dermal, inhalation and ocular, a total of 30 workers, up to 1.25 hrs/da, up to 90 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and approved landfill.

PMN 83-594

Manufacturer. Azs Chemical Company.

Chemical. (G) Alkyl amino propyl carbamide.

Use/Production. (S) Industrial petroleum additive. Prod. range: 25,000-1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 6 workers, up to 8 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83-595

Manufacturer. Azs chemical Company.

Chemical. (G) alkyl amino propyl amine.

Use/Production. (S) Industrial fuel additive. Prod range: 27,000-900,000 lb/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 6 workers, up to 8 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land.

PMN 83-596

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5g/kg; Acute dermal: >5 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal.

Exposure. Manufacture and processing: dermal and ocular, a total of 28 workers, up to 8 hrs/da, up to 110 da/yr.

Environmental Release/Disposal. 100-1000 kg/yr released to land. Disposal by approved landfill.

PMN 83-597

Manufacturer. Confidential.

Chemical. (G) Cycloaliphatic isocyanate-amine based polyol prepolymer.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, up to 1 hr/batch.

Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83-598

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Polyester resin of aliphatic polyols, mixed aromatic diacids and aliphatic diacid.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Confidential. No data submitted.

Exposure. Confidential. Manufacture: dermal, a total of 16 workers, up to 16 hrs/da, up to 14 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by incineration.

PMN 83-599

Manufacturer. E. I. du Pont de Nemours & Company, Inc.

Chemical. (G) Polyester resin of aliphatic polyol, mixed aromatic diacids, aliphatic diacid and aromatic diisocyanate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 16 workers, up to 16 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Release is minimal. Disposal by incineration.

PMN 83-600

Manufacturer. Confidential.

Chemical. (G) Modified rosin ester.

Use/Production. (S) Industrial non-heat, web offset news inks. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 2 workers, up to 1 hr/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW.

PMN 83-601

Importer. Huels Corporation.

Chemical. (G) Halogenated alkene acid ester.

Use/Import. (S) Industrial auxiliary material of polymerization. Import range: 100-20,000 kg/yr.

Toxicity Data. Acute oral: 6,310 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; Ames Test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-602

Manufacturer. Saytech, Inc.

Chemical. (G) Brominated polyol diester.

Use/Production. (S) Flame retardant for urethane foams. Prod. range: Confidential.

Toxicity Data. Acute oral: 1,910 mg/kg; Acute dermal: >5 g/kg; Irritation: Skin—Mild, Eye—Moderate; Ames Test: Non-mutagenic.

Exposure. Manufacture and processing: dermal, a total of 4 workers, up to .5 hr/da, up to 150 da/yr.

Environmental Release/Disposal. 100-1000 kg/yr released to land. Disposal by approved landfill.

PMN 83-603

Manufacturer. American Cyanamid Company.

Chemical. (G) Substituted nitrile.

Use/Production. (G) Captive intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 83 mg/kg; Acute dermal: 23 mg/kg; Irritation: Skin—Moderate; Ames Test: Negative. **Exposure.** Confidential. **Environmental Release/Disposal.** Release to air and water.

PMN 83-604

Manufacturer. Confidential. **Chemical.** (G) Reaction product of a mixture of mono and disubstituted dioxocarbopolycyclic compounds and a 1,4-disubstituted benzene with sulfur. **Use/Production.** (S) Textile dye. Prod. range: 1,000–12,000 kg/yr. **Toxicity Data.** No data submitted. **Exposure.** Manufacture, processing and disposal: dermal, a total of 21 workers, up to 12 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-605

Manufacturer. Confidential. **Chemical.** (S) Anthraquinone, 2,2'-benzo[1,2-d:4,5-d']bisthiazole-2,6-diylbis [1-amino-. **Use/Production.** (S) Industrial textile dye. Prod. range: 1,000–12,000 kg/yr. **Toxicity Data.** No data submitted. **Exposure.** Manufacture, processing, use and disposal: dermal, a total of 21 workers, up to 12 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-606

Manufacturer. Confidential. **Chemical.** (S) 9,10-Anthracenedione, 2-methyl-1-nitro-. **Use/Production.** (S) Site-limited dye intermediate. Prod. range: 150–1,800 kg/yr.

Toxicity Data. No data submitted. **Exposure.** Manufacture, use and disposal: dermal, a total of 18 workers, up to 12 hrs/da, up to 180 da/yr. **Environmental Release/Disposal.** Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system and approved landfill.

PMN 83-607

Manufacturer. Confidential. **Chemical.** (G) Di (mixed alkyl) magnesium. **Use/Production.** (S) Component of polymerization catalyst. Prod. range: Confidential. **Toxicity Data.** No data submitted. **Exposure.** Confidential.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

Dated: April 4, 1983.
Linda A. Travers,
Acting Director, Management Support Division.

[FR Doc. 83-9080 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-140034; TSH-FRL 2341-7]**Premanufacture Notification; Disclosure of Confidential Business Information to Congress**

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: The Senate Committee on Environment and Public Works has requested access to all premanufacture notices (PMNs) submitted under section 5(a) of the Toxic Substances Control Act (TSCA). The Committee staff will need access to this information to prepare for legislative oversight hearings to be held later this year. Much of this PMN information has been claimed confidential by submitters.

DATE: This information will be provided to the Committee no sooner than April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: In a letter to EPA, the Chairman of the Senate Committee on Environment and Public Works stated that the Committee wishes certain staff members to review TSCA premanufacture notice files in preparation for upcoming legislative oversight hearings. The PMN information which EPA will be providing the Committee staff may contain confidential business information. Manufacturers and importers have been given the opportunity to claim information as confidential in PMNs submitted to the Agency under section 5(a) of TSCA and have made such claims. Pursuant to 40 CFR 2.209(b), which applies to information submitted under TSCA by CFR 2.306(h), EPA must provide confidential business information to a Congressional committee in response to a written request by the chairman. Before providing the information, EPA is required by 40 CFR 2.209(b) to notify the

submitters of the information at least ten days in advance of disclosure.

As required by 40 CFR 2.209(b), this notice is published to inform all manufacturers and importers who have submitted PMNs under section 5(a) of TSCA that EPA will provide the requested confidential business information to the Committee staff no sooner than ten days after publication of this notice in the Federal Register. The Agency will identify any information that is subject to a confidentiality claim and will inform the Committee staff of the provisions of section 14(d) of TSCA which sets criminal penalties for unlawful disclosure of confidential business information.

Committee staff will be given access to confidential business information contained in PMNs and related EPA documents and will be allowed to attend meetings where such information is discussed. In addition, EPA employees will be authorized to discuss confidential PMN information with Committee staff.

The Committee has indicated that the staff will have access to confidential business information only on EPA's premises and that no such information will be removed from EPA or published.

Dated: March 30, 1983.

Don R. Clay,
Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-9082 Filed 4-6-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP 00162; PH-FRL 2337-6]**Reestablishment of the Scientific Advisory Panel; Appointment of New Members**

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: The Scientific Advisory Panel (Panel), which was established by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 1975, was terminated by that Act in 1981. EPA has determined that it is in the public interest for the Agency to have the services of a body which can perform the functions of the Panel. Therefore, the Agency has established a Panel under the authority of the Federal Advisory Committee Act and has appointed members to it.

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel (TS-766C), Office of Pesticide Programs, Environmental Protection Agency, Rm.

1115B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-7096).

SUPPLEMENTARY INFORMATION: The statutory Panel was created on November 28, 1975, under section 25(d) of FIFRA, as amended by Pub. L. 94-140, Pub. L. 95-396, and Pub. L. 96-539. In accordance with this statute, the statutory authorization for the Panel terminated on September 30, 1981. However, EPA has determined that it is in the public interest for the Agency to have the services of such a Panel in connection with the performance of duties imposed upon the Agency by law. Therefore, the Administrator has decided to exercise the authority given under the Federal Advisory Committee Act (5 U.S.C. (App. I) 9(c) and, pursuant to section 21(b) of FIFRA, to reestablish a Scientific Advisory Panel. Inasmuch as the Panel will be performing the same functions as the statutory Panel was performing prior to the September 1981 expiration date, the Panel will be formed, and all its activities will be conducted, as if the requirements of FIFRA section 25 (d) and (e) governed this new Panel.

Public notice of nominees to the Panel, along with a request for public comments, appeared in the *Federal Register* of November 3, 1981 (46 FR 54637). All 7 designees have been selected from the original group of 12 nominees, of whom 6 were chosen by the National Institutes of Health (NIH) and 6 by the National Science Foundation (NSF).

The Panel will provide comments as to the impact on health and the environment of the following regulatory actions:

1. Notices of intent to cancel or reclassify registrations under section 6(b)(1) of FIFRA.
2. Notices of intent to hold a hearing to determine whether or not to cancel or reclassify registrations under section 6(b)(2) of FIFRA.
3. Emergency orders immediately suspending registration of a pesticide before notification of the registrants under section 6(c)(3) of FIFRA.
4. Regulations to be issued under section 25(a) of FIFRA.

The Administrator shall also solicit from the Panel comments, evaluations, and recommendations for operating guidelines to improve the effectiveness and quality of scientific analyses made by personnel of the EPA that lead to decisions by the Administrator.

The comments, evaluations, and recommendations of the Panel and the response of the Administrator shall be published in the *Federal Register*.

The Administrator also may use the Panel to provide peer review of major scientific studies under section 25(e) of FIFRA.

Copies of the Panel charter will be filed with appropriate standing committees of the Congress and the Library of Congress.

Congress originally mandated that the Scientific Advisory Panel would consist of seven members, selected from candidates nominated, as indicated previously, by NSF and NIH. The selection process for the Panel was exceptionally difficult, inasmuch as all candidates were distinguished scientists with outstanding credentials. In response to the November 3, 1981, public notice of the nominees, seven comments were received. These comments were, with one exception, of a positive nature endorsing one or more nominees for membership on the Panel. The decision to appoint the seven designees to serve as members of the Panel was based upon several factors including comments received, the need for a disciplinary mix, and the need for wide geographic representation.

The names and affiliations of the designees are as follows: Ernest Hodgson, Ph.D., Professor, Interdepartmental Toxicology Program, North Carolina State University, Raleigh, North Carolina 27607; Robert Michael Hollingworth, Ph.D., Professor, Department of Entomology, Purdue University, West Lafayette, Indiana 47907; Wendell Warren Kilgore, Ph.D., Professor, Department of Environmental Toxicology, University of California, Davis, California 95616; Robert Everett Menzer, Ph.D., Professor and Chairman, Graduate Program in Marine-Estuarine-Environmental Sciences, University of Maryland, College Park, Maryland 20742; Rosmarie von Rumke, Sc.D., Managing Partner, RvR Consultants, P.O. Box 533, Shawnee Mission, Kansas 66201; Stephen Stanley Sternberg, M.D., Attending Pathologist, Memorial Sloan-Kettering Cancer Center, 1275 York Avenue, New York, New York 10021; and Christopher Foster Wilkinson, Ph.D., Director Institute for Comparative and Environmental Toxicology, Cornell University, Ithaca, New York 14853. Biographic data on the seven designees may be obtained by consulting the November 3, 1981, *Federal Register* notice.

Meetings of the Scientific Advisory Panel are always announced in the *Federal Register* at least 15 days prior to each meeting. When a definite day and place for the first meeting have been decided upon, the appropriate announcement will appear in the *Federal Register*.

Dated: March 24, 1983.

John W. Hernandez,
Acting Administrator.
(FR Doc. 83-8108 Filed 4-6-83; 8:45 am)
BILLING CODE 6560-50-M.

[SAB-FRL 2343-2]

Science Advisory Board, Environmental Health Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a one-day meeting of the Environmental Health Committee of the Science Advisory Board will be held on April 25, 1983, in Conference Room 3906-3908, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:30 a.m., and adjourn no later than 4:30 p.m.

A principal purpose of the meeting will be to review and comment on the scientific adequacy of the revised draft of the Health Assessment Document for Carbon Tetrachloride (Revised March 1983).

An earlier draft dated March 1982 was reviewed by the Environmental Health Committee at a public meeting of the Committee on December 8-9, 1982. The draft to be reviewed at the April 25, 1983, meeting of the Committee reflects the Committee's and other review comments on the earlier draft.

For information on how to obtain copies of the revised draft of the Health Assessment Document for Carbon Tetrachloride please call or write Dr. Richard Hertzberg, Environmental Criteria and Assessment Office, U.S. EPA, 26 West St. Clair Street, Cincinnati, Ohio 45268, (513) 684-7531.

Another principal purpose of the meeting will be to provide consultation on EPA's Health Advisory Program for Unregulated Contaminants in Drinking Water. Pertinent background information on this item is as follows. EPA's Office of Drinking Water (ODW) has established a nonregulatory, advisory program to provide scientific guidance on the health effects of chemicals detected in drinking water supplies for which no standards presently exist. Several draft health advisories have been developed. The Environmental Health Committee has been asked to examine the overall approach, methodology and review process used in the preparation of the health advisories and the adequacy of the distribution system for these advisories. Background documentation for this agenda item are brief discussion papers prepared by EPA's Office of Drinking Water entitled "The ODW

Health Advisory Program;" "Procedure for Development of ODW Health Advisories;" "Major Issues in ODW Health Advisory Development;" and a sample set of 22 draft health advisories which have been developed over several years and which will serve to illustrate issues discussed in the issues paper.

For information on how to obtain copies of materials related to the Health Advisory Program please call or write Mr. William Lappenbusch, Chief, Health Assessment Branch, Criteria and Standards Division, ODW, WH-550, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460 (202) 382-7571.

The agenda will also include brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact the Executive Secretary, Environmental Health Committee, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. April 20, 1983. Please ask for Mrs. Patti Howard or Mr. Ernst Linde. The telephone number is (202) 382-2552.

Dated: March 30, 1983.

Terry F. Yosie,
Staff Director, Science Advisory Board.

[FR Doc. 83-0086 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51444A; TSH-FRL 2340-8]

Substituted Thiocyclic Compound; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) PMN 83-263, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on July 2, 1983.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-201, 401 M St., S.W., Washington, D.C. 20460, (202-382-3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a PMN to EPA 90 days before manufacture or import begins. Under

section 5(c) EPA may, for good cause, extend the notice period for additional periods, not to exceed a total of 180 days from the date of receipt.

On November 30, 1982, EPA received PMN 83-263 for a substituted thiocyclic compound, to be used as a metal finishing product. The submitter of the PMN claimed its identity, the specific chemical identity, the specific use, and the production volume to be confidential business information. Notice of receipt of the PMN was published in the *Federal Register* of December 9, 1982 (47 FR 55422). The original 90-day review period is scheduled to expire on April 3, 1983.

EPA's detailed analysis of the substance described in the PMN addressed the following: chemical analysis of the PMN substance, effects on human health, human exposure, production volume, degree of risk relative to available commercial substitutes, potential marketability, and the identification of other information which may be required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. Available information on the composition of the PMN substance may be insufficient to permit a reasoned evaluation of the health effects of the substance within the original 90-day review period.

2. Human exposure to the PMN substance may result in adverse health effects, among which may be neurotoxicity.

3. During use of the PMN substance, the potential exists for significant worker exposure.

Based on this analysis, EPA finds that there is a possibility that the substance submitted for review in PMN 83-263 may be regulated under section 5(e) of TSCA. The Agency requires an extension of the review period to further investigate potential health effects and use conditions, to examine its regulatory options and to prepare the necessary documents, should regulatory action be required. An administrative order under section 5(e) must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to July 2, 1983.

PMN 83-263 is available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: March 29, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-0086 Filed 4-6-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 1, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the *Federal Register*. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer, Cynthia Glassman, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer, Richard Sheppard, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for Extension With Revision

1. Report title: Report of Broker Carrying Margin Accounts Agency form No. FR 2240

Frequency: Annual

Reporters: Brokers and dealers extending margin credit

SIC Code: 621

Small businesses are affected.

General description of report: respondent's obligation to reply is mandatory [15 U.S.C. 78q]; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

The FR 2240 report is used to insure compliance of brokers and dealers with Federal Reserve margin regulations on security credit as authorized by Section 7 of the Securities Exchange Act of 1934.

Board of Governors of the Federal Reserve System April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9100 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Douglas Bancorporation, Inc.; Proposed Acquisition of Parker Industrial Bank

Douglas Bancorporation, Inc., Parker, Colorado, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Parker Industrial Bank, Parker, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of an industrial bank. These activities would be performed from offices of Applicant's subsidiary in Parker, Colorado, and the geographic areas to be served are Douglas, Elbert, and Arapahoe Counties, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can

"reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 1, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9101 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Goodenow Bancorporation; Proposed Acquisition of Goodenow Insurance Agency

Goodenow Bancorporation, Wall Lake, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Franck and Goodenow Insurance Agency.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Wall Lake, Iowa, and the geographic areas to be served are the community of Wall Lake, Iowa, and surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedure of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue

concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 1, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9102 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Merchants Trust, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Merchants Trust, Inc.*, Jackson, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Merchants Bank, Jackson, Alabama. Comments on this application must be received not later than May 2, 1983.

B. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63106:

1. *Boyle Bancorp, Inc.*, Danville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers National Bank of Danville, Danville, Kentucky. Comments on this application must be received not later than May 2, 1983.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *North Central Financial Services, Inc.*, Sioux Falls, South Dakota; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank, Volga, South Dakota. Comments on this application must be received not later than May 2, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9103 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Newport Savings & Loan Association; Proposed Retention of a Branch

Newport Savings & Loan Association, Newport, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain a branch of Newport Savings & Loan Association, located in Middletown, Rhode Island.

Applicant states that the branch engages in the activities of an FSILC insured state chartered mutual building and loan association. These activities would be performed from offices of Applicant's branch in Middletown, Rhode Island, and the geographic areas to be served are Middletown and Portsmouth, Rhode Island.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than April 29, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9099 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Manufacturers Hanover Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been terminated by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York (mortgage banking; Illinois): To engage through its subsidiary Manufacturers Hanover Corporation in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and servicing such loans and other extensions of credit for any person. These activities would be conducted from a *de novo* office of Manufacturers Hanover Mortgage Corporation to be located in Downers Grove, Illinois, and serving DuPage County. Comments on this application must be received not later than May 2, 1983.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Valley Capital Corporation*, Las Vegas, Nevada, (leasing of real and personal property, Nevada): To engage through its subsidiary, Valley Leasing Company, Inc., in leasing personal and real property, and acting as agent, broker, and/or adviser therefor, in accordance with the Board's Regulation Y. These activities would be conducted from the main branch and branch banking offices of Valley Bank of Nevada serving the entire State of Nevada. Comments on this application must be received not later than April 28, 1983.

Board of Governors of the Federal Reserve System, April 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-9104 Filed 4-6-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, May 12, 1983, at the National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland. This meeting will be open to the public on May 12, from 1:00 p.m. to adjournment for concept review of proposed DCBD research

projects. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 12, from 10:00 a.m. to 12:00 noon, for the review, discussion, and evaluation of individual programs and projects conducted by DCBD, National Cancer Institute, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Ihor J. Masnyk, Associate Director, Extramural Research Program, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A-04, National Institutes of Health, Bethesda, Maryland 20205 (301/496-4345) will furnish substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,
Committee Management Officer, National Institutes of Health.

[FR Doc. 83-9055 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, June 13, 1983. The meeting will be held at the Federal Building, 7550 Wisconsin Avenue, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:30 a.m. to adjournment to discuss new initiatives and program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William

Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

Dated: March 29, 1983.

Betty J. Beveridge,
National Institutes of Health Committee Management Officer.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

[FR Doc. 83-9059 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

Board of Scientific Counselors, NIA; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 3-5, 1983, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Tuesday and Wednesday, May 3 and 4. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 5, from 9:00 a.m. until adjournment for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA Building 31, Room 2C-05, National Institutes of Health, Bethesda, Maryland 20205, (telephone: 301/496-5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.860, Aging Research, National Institutes of Health)

Dated: March 22, 1983.

Betty J. Beveridge,
National Institute of Health Committee Management Officer.

[FR Doc. 83-9057 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

Board of Scientific Counselors, NIEHS; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIEHS, May 10-11, 1983, in Building 18 Conference Room, North Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public 9 a.m. to 12 noon on May 10, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Behavioral and Neurological Toxicology (LBNT). Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on May 10 from approximately 1 p.m. to adjournment on May 11, for the evaluation of the programs of the LBNT, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, NIEHS, Research Triangle Park, N.C. 27709, telephone (919) 541-3205, FTS 629-3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,
Committee Management Officer, National Institutes of Health.

[FR Doc. 83-9056 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on May 3, 1983, 8:30 a.m. to 5:00 p.m., at the Bethesda Marriott, 5151, Pooks Hill Road, Bethesda, Maryland. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045, will provide an agenda and roster of

members. Summaries of the meeting may be obtained by contacting Barbara Shapiro, Secretary, National Diabetes Advisory Board, National Institutes of Health, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045.

Dated: March 31, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83-9054 Filed 4-6-83; 8:45 am]

BILLING CODE 4140-01-M

Warren Grant Magnuson Clinical Center; Notice of Conference

Notice is hereby given of the NIH Consensus Development Conference on "Liver Transplantation," sponsored by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, and the NIH Office of Medical Applications of Research. The conference will be held June 20-23, 1983, in the Masur Auditorium of the Warren G. Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

Recent advances in research and treatment have improved the prospects for prolonging life through liver transplantation. The survival rate for this procedure has been increased by improvements in patient management and surgery as well as the use of a new immunosuppressant, Cyclosporin A, to control the body's tendency to reject the graft. However, many issues concerning a liver transplantation are still unresolved. Graft rejection remains a significant problem as do methods for obtaining appropriate donor livers in a timely fashion. The prognosis for quality of life and long-term survival after liver transplantation, under current management capabilities, remains difficult to assess.

Key questions to be addressed at the conference are: Are there groups of patients for whom transplantation of the liver should be considered appropriate therapy? What is the outcome (current survival rates, complications) in the above groups? In a potential candidate for transplantation, what are the principles guiding selection of the appropriate time for surgery? What are the skills, resources, and institutional support needed for liver transplantation? What are the directions for future research?

This Consensus Development Conference will convene liver specialists, transplant surgeons, immunologists, physicians, statisticians, pediatricians, consumers, and representatives of public interest groups.

Following 2 days of presentations by medical experts and discussion by the audience, the Consensus Panel will meet on the third day to consider the information presented. The panel members will issue a draft statement responding to the key conference questions on the morning of the fourth day. Consensus Panel Chairman Rudi Schmid, M.D., University of California, San Francisco Medical Center, will read this preliminary Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Mr. Peter Murphy, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852, (301) 468-6555.

Dated: March 28, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-9058 Filed 4-6-83; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, May 5-6, 1983, Building 31, C Wing, Conference Room 6, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. through recess on May 5 and from 8:30 a.m. through adjournment on May 6, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Mary E. Sears, Acting Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 614, Bethesda, Maryland 20205 (301/427-8630) will furnish substantive program information.

Dated: March 29, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 9080 Filed 4-6-83; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors, National Institute of Dental Research; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on May 9, 10 and 11, 1983, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on May 9 and from 9:00 a.m. to 2:00 p.m. on May 10 to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 2:00 p.m. to adjournment on May 10 and from 9:00 a.m. to adjournment on May 11 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marie U. Nylen, Director of Intramural Research, NIDR, National Institutes of Health, Building 30, Room 132, Bethesda, MD 20205, (telephone 301 496-1483) will provide summaries of meeting, rosters of committee members, and substantive program information.

Dated: March 22, 1983.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 83-9064 Filed 4-6-83; 8:45 am]

BILLING CODE 4140-01-M

National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the Meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on April 20, 1983, from 8:30 a.m. to 12:00 noon, at the Washington Hilton, 1919 Connecticut Avenue, N.W., Washington, DC.

The entire meeting will be open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Acting Chief, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, Building 31, Room 4A24, 9000 Rockville Pike, Bethesda, Maryland, 20205, 301-496-1051.

Dated: March 31, 1983.
James B. Wyngaarden,
Director, National Institutes of Health.
[FR Doc. 83-0063 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

President's Cancer Panel ad hoc Working Group To Consider the Parameters of Outstanding Investigator Awards; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the ad hoc Working Group to Consider the Parameters of Outstanding Investigator Awards, President's Cancer Panel, National Cancer Institute, April 27, 1983, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open on April 27 from 8:30 a.m. to adjournment. Attendance by the public will be limited to space available.

The meeting will be for the consideration of working drafts to propose a series of alternatives for the definition and the establishment of an Outstanding Investigator Grant Mechanism.

Requests for information on the meeting should be directed to Dr. Elliott Stonehill, National Cancer Institute, Building 31, Room 11A35, Bethesda, Maryland 20205 (301/496-1148).

Dated: March 29, 1983.
Betty Beveridge,
Committee Management Officer, National Institutes of Health.
[FR Doc. 83-0061 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

Pulmonary Diseases Advisory Committee; Changed Meeting

Notice is hereby given of a change in the conference room for the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, which was published in the Federal Register on March 17, 1983 (48 FR 11336).

The meeting will now be held on May 7, 1983, at the Radisson Muehlebach Hotel, Room 5, Baltimore and 12th Streets, Kansas City, Missouri 64105. The entire meeting, from 8:30 a.m. to 5:00 p.m. will be open to the public. The Committee will discuss implementation

of the Division of Lung Diseases fiscal 1984 initiatives. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne S. Hurd, Ph.D., Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

[Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health]

Dated: March 24, 1983.
Betty J. Beveridge,
Committee Management Officer, NIH.
[FR Doc. 83-0062 Filed 4-6-83; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Fort Peck Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DM1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70-2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 456 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable to the Fort Peck Irrigation Project, Wolf Point, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

This notice was posted in the U.S. Post Offices, and published in local newspapers serving the affected area.

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed rates and related provisions. No comments were received during the 30 day comment period.

In compliance with the above, and in accordance with 25 CFR Part 191, the operation and maintenance charges for the lands under the Fort Peck Irrigation Project, Montana, for the season of 1983 and until further notice, are hereby fixed as follows:

For the season of 1983 and until further notice, the Project charge per acre is as follows:

Wiota Irrigation Unit—\$12.00 per acre
Frazer-Wolf Point Irrigation Unit—\$12.00 per acre

The following payment and entitlement criteria will be maintained in Project files, and will not be republished each year except for changes or as reminders.

Payment of the annual basic assessment entitles the water user to 2 Acre-feet of water per acre assessed. Any additional water delivered shall be charged for at the rate of \$5.00 for each additional Acre-foot, or final fraction thereof in excess over the basic 2 Acre-feet.

Water users shall make application for each delivery of water at the project office, or with the ditch rider at least 72 hours before requested delivery time to allow adjustment of such times and schedules to fit required system adjustments and contacts between water users and project personnel.

Payment:

(a) The basic annual assessment fixed shall become due and payable on April 1 of each calendar year. Charges for excess water delivered during any irrigation season shall be included in the bill for the ensuing season, except in cases of excess water delivery to Lessees on Indian lands where payment is required in advance of delivery.

(b) No water shall be delivered to any lands until all charges shall have been paid in accordance with provisions and exceptions contained in Part 191 of the Code of Federal Regulations.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian Lessees which are not paid on or before July 1 of each year there shall be added a penalty of $\frac{1}{2}\%$ per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

Thomas Whitford, Sr.,
Superintendent, Fort Peck Indian Agency,
Fort Peck Irrigation Project.

[FR Doc. 83-0040 Filed 4-6-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management**Coeur d'Alene District Office, Idaho:
Preparation of Amendment to
Management Framework Plans**

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of Management
Framework Plan Amendment
Preparation.

SUMMARY: Notice is hereby given in
accordance with 43 CFR 1601.3(g) that
the Coeur d'Alene District Office is
beginning the process to amend its
Management Framework Plans. The
purpose of the Amendment is to
categorize all district administered lands
into the following categories:

Category I—lands suitable for retention in
public ownership and needed for multiple
use management;

Category II—lands suitable for disposal;

Category III—lands needing further study
before a decision can be made.

The Amendment will involve
approximately 250,000 acres of public
land scattered throughout the eleven
northernmost counties of Idaho.

An interdisciplinary team consisting
of a Planning Coordinator, Forester,
Wildlife Biologist, Soil Scientist,
Hydrologist, Outdoor Recreation
Planner, Wilderness Coordinator,
Archaeologist, Realty Specialist,
Geologist, Economist, Range
Conservationist, and Public Information
Specialist will develop the amendment.

Public participation will occur
throughout the amendment process.
Activities will include letters, comment
sheets, issue solicitations, open houses,
interagency coordination meetings, and
Multiple Use Advisory Council
meetings. These activities will be
announced through local newspapers,
radio stations, and individual letters.

Coeur d'Alene Planning Coordinator
Ted Graf or District Manager Wayne
Zinne can be contacted at the Coeur
d'Alene District Office, 1808 North Third
Street, Coeur d'Alene, Idaho 83814,
telephone (208) 765-7356 for further
information. All documents relevant to
district land use planning are available
for public review at that address.

Dated: April 1, 1983.

John B. O'Brien III,
Acting District Manager.

[FR Doc. 83-0046 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23716]**Colorado; Conveyance of Public
Lands; Park and Fremont Counties,
Colorado**

March 30, 1983.

Notice is hereby given that pursuant
to Sec. 206 of the Act of October 21, 1976
(90 Stat. 2756; 43 U.S.C. 1716), Benjamin
F. and Clara Louise Nash, Canon City,
Colorado, have received a patent for the
following described public lands in Park
and Fremont Counties, Colorado:

Sixth Principal Meridian, Colorado

T. 16 S., R. 71 W.,

Sec. 7, Lots 8, 13, 15, 21, and 31;

Sec. 8, Lot 2;

Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;

T. 15 S., R. 72 W.,

Sec. 19, lot 3, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 29, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 35, SW $\frac{1}{4}$;

T. 16 S., R. 72 W.,

Sec. 3, Lots 9, 10, 11, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 23, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 957.82 acres.

The purpose of this notice is to inform
and give constructive notice to the
public and interested state and local
government officials of the issuance of
this conveyancing document. Federal
Minerals only in the following land have
also been conveyed in this exchange
action:

Sixth Principal Meridian, Colorado

T. 15 S., R. 72 W.,

Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 30, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 160 acres.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 83-0044 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

[C-23716]**Colorado; Order Providing for Opening
of Public Lands**

March 30, 1983.

1. In an exchange of land made under
section 206 of the Federal Land Policy
and Management Act of October 21,
1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701,
1716) the following lands have been
reconveyed to the United States:

Sixth Principal Meridian

T. 15 S., R. 72 W.,

Sec. 31, W $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 32, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 280.00 acres in Park County,

T. 16 S., R. 72 W.,

Sec. 5, Lots 3, 4, 5, 6 (less Mineral Survey
No. 11944, 10.33 acres), 11, and 12.

E $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 6, Lots 1, 2, 9, 10, and 11;

Sec. 8, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
and NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 739.64 acres in Fremont County.

2. The United States owns the mineral
rights by reservations in earlier patents
as to the above-described lands in lots 3,
4, 5, 6, of section 5, lots 1, 2, 9, 10 and 11
of section 6, the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 8, all in T. 16 S., R.
72 W., Sixth Principal Meridian,
Colorado. Therefore, these lands have
been open to operation of the mining
laws and the mineral leasing laws.

3. Subject to valid existing rights, the
provisions of existing withdrawals and
the requirements of applicable law, the
lands described in paragraph 1 are
hereby opened to the operation of the
public land laws. All valid applications
received at or prior to 10 a.m. on May 5,
1983, shall be considered as
simultaneously filed at that time. Those
received thereafter shall be considered
in the order of filing.

4. At 10:00 a.m. on May 5, 1983 the
W $\frac{1}{2}$ E $\frac{1}{2}$ of section 31, E $\frac{1}{2}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32, T. 15 S., R. 72 W.,
and lots 11 and 12, E $\frac{1}{2}$ SE $\frac{1}{4}$, and
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 5, and the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 8, T.
16 S., R. 72 W., Sixth Principal Meridian,
Colorado, will be opened to applications
and offers under the mineral leasing
laws, and to location under the United
States mining laws. Appropriation of
lands under the general mining laws
prior to the date and time of restoration
is unauthorized. Any such attempted
appropriation, including attempted
adverse possession under 30 U.S.C. Sec.
38, shall vest no rights against the
United States. Acts required to establish
a location and to initiate a right of
possession are governed by State law
where not in conflict with Federal law.
The Bureau of Land Management will
not intervene in disputes between rival
locators over possessory rights since
Congress has provided for such
determinations in local courts.

5. Inquiries concerning the lands
should be addressed to the Bureau of
Land Management, 1037 20th Street,
Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 83-0045 Filed 4-6-83; 8:45 am]

BILLING CODE 4310-84-M

[Montana 16450]

Montana; Notice of Termination of Classification of Public Lands for Multiple Use Management

March 31, 1983.

1. On December 12, 1970 (FR Vol. 35, No. 241, Page 18927), the public lands described in the Notice, aggregating approximately 96,269 acres in Lewis and Clark, Teton, Pondera, Cascade and Meagher Counties were classified for multiple use management under the Act of September 19, 1964 (43 U.S.C. 1411-18). This classification segregated the land from appropriation under the agricultural lands laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph one above is hereby terminated. At 8 A.M. on May 2, 1983, the lands described in said Notice of December 12, 1970, shall be open to operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 A.M. on May 2, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Kannon Richards,
Acting State Director.

[FR Doc. 83-9041 Filed 4-6-83; 8:45 am]
BILLING CODE 4310-84-M

Alaska: Notice of Transfer of Mining Claim Recordation Casefiles for Anchorage Land District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of transfer of mining claim recordation casefiles to Anchorage District Office.

SUMMARY: The location of mining claim recordation casefiles for the Anchorage land district will be officially transferred to the Anchorage District Office at 4700 E. 72nd Avenue, Anchorage, Alaska 99507. This action does not affect the official office for recordation of mining claim documents which will continue to

be the Public Service Room, Alaska State Office.

EFFECTIVE DATE: April 18, 1983.

Location: Alaska State Office, Public Service Room, 701 "C" Street, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Gail Ozmina, (907) 271-5960.

Curtis V. McVee,
State Director.

[FR Doc. 83-9043 Filed 4-6-83; 8:45 am]
BILLING CODE 4310-84-M

Pioneer Trails Management Framework Plan, Kemmerer Resource Area, Southwest Wyoming

AGENCY: Bureau of Land Management.

ACTION: Notice of proposed amendment to Pioneer Trails Management Framework Plan, Kemmerer Resource Area, Southwest Wyoming.

SUMMARY: The Kemmerer Resource Area in the Rock Springs District of Southwest Wyoming has reviewed and will amend the first management portion of the Pioneer Trails Management Framework Plan (MFP). The reason for the amendment is to produce fire management decisions that are more beneficial to the natural resources and provide for more cost efficient wildfire suppression. The amended plan and resulting Fire Management Plan that will allow implementation of the new fire decisions this fire season, rather than awaiting completion of the ongoing Kemmerer Resource Management Plan in 1985.

The MFP amendment and proposed fire management plan will be available on the publication of this Federal Register Notice. Copies may be obtained from the Kemmerer Resource Area Office in Kemmerer or the Rock Springs District Office in Rock Springs. A public meeting will be held in Kemmerer during the comment period to facilitate public discussion and comment on the proposed amendment.

The proposed amendment and the fire management plan address appropriate areas for full fire suppression, appropriate areas for limited suppression, definition of prescribed fire conditions for various areas, and prescription burning. Defining prescribed fire conditions for various areas within the Kemmerer Resource Area would allow managers to determine if any fire, whether natural or man-caused, would benefit the natural resources present and the limits at which suppression might be necessary. It would also allow the manager to avoid deploying unnecessary manpower and equipment. The amendment and

plan address two objectives: (1) How fire management can enhance the natural environment and (2) how to establish cost efficiencies in fire management. Protection of life and property, especially private property, is also considered.

DATES: The public meeting to discuss the MFP amendment and fire management plan will occur on April 28th, 7:00 p.m., at the Lincoln County Public Library in Kemmerer. Comments may be provided to the Kemmerer Resource Area Office no later than 90 days after publication of this notice.

ADDRESSES: Copies of the MFP amendment and fire management plan may be obtained at:

1. Kemmerer Resource Area, U.S. 30, across from old Port of Entry, Kemmerer, Wyoming, phone 307-877-3933
2. Rock Springs District Office, Highway 187 North, Rock Springs, Wyoming, phone 307-382-5350.

Written comments should be provided to the Kemmerer Resource Area at P.O. Box 632 in Kemmerer, or brought to the public meeting.

FOR FURTHER INFORMATION CONTACT: Kemmerer Area Manager, Steve Howard at the address and phone number listed above.

Donald H. Sweep,
Rock Springs District Manager.

[FR Doc. 83-9042 Filed 4-6-83; 8:45 am]
BILLING CODE 4310-84-M

Shoshone District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone District Advisory Council.

DATE: Tuesday, May 10, 1983, at 9:00 a.m.

ADDRESS: BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Terry Costello, Planning and Environmental Coordinator, Shoshone District Office, P. O. Box 2 B, Shoshone, Idaho 83352. Telephone (208) 886-2206 or FTS 554-8576.

SUPPLEMENTARY INFORMATION: The approved agenda for the meeting includes the following items:

Fire Rehabilitation Program
Field Tour of Fire Rehabilitation Area
Proposed 1984 Sale Plan For Asset Management

Monument RMP Alternatives

The Shoshone District Advisory Council is established under Section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579; 43 U.S.C. 1701 et seq.), as amended. Operation and administration of the Council will be in accord with the Federal Advisory Committee Act of 1972 (Pub. L. 92-463; 5 U.S.C. Appendix 1) and Department of Interior and BLM regulations, including 43 CFR Part 1784.

The meeting will be open to the public. Anyone may present an oral statement before the Council between 2:00 and 3:00 p.m. or may file a written statement with the Council regarding matters on the agenda. Oral statements will be limited to ten minutes. Anyone wishing to make an oral statement must notify the Shoshone District Manager by May 9, 1983. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Charles J. Haszler,
District Manager.

[FR Doc. 83-0039 4-6-83; 8:45 am]
BILLING CODE 4310-84-M

[AA-6690-A through AA-6690-L]

Alaska Native Claims Selection; Modification of Decision to Issue Conveyance

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) dated January 10, 1980, and published in the *Federal Register* on pages 2111 through 2114. The DIC reserved certain easements in accordance with the Alaska State Director (SD), BLM memorandum dated November 2, 1979, concerning final easements for the village of Pedro Bay.

On August 27, 1982, an amendment to the SD memorandum of November 2, 1979, was issued in accordance with a stipulation filed on June 23, 1982, with the Alaska Native Claims Appeal Board (ANCAB)(VLS-80-11). This amendment contained changes to easements numbered (EIN 2d D9) and (EIN 7 D9, L).

The Alaska Native Claims Appeal Board was abolished by Secretarial Order No. 5078, effective June 30, 1982, which transferred all responsibilities previously delegated to ANCAB to the Interior Board of Land Appeals (IBLA). ANCAB docket number VLS-80-11 was subsequently assigned IBLA docket number 82-1132.

On February 22, 1983, an amendment to the SD memorandum of November 2, 1979, was issued in response to IBLA order of January 13, 1983, which dismissed the appeal. This amendment

contained a further change to easement numbered (EIN 7 D9, L).

Therefore, the DIC dated January 10, 1980, is modified as follows:

Page 2113

Easement (EIN 2d D9) was described as follows:

b. (EIN 2d D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 4, T. 5 S., R. 27 W., Seward Meridian, on the south shore of Pile Bay. The uses allowed are those listed above for a one (1) acre site.

Easement (EIN 2d D9) is hereby modified to read:

b. (EIN 2d D9) A one (1) acre site easement upland of the ordinary high water mark in the W½NW¼NE¼, E½NE¼NW¼, Sec. T. 5 S., R. 27 W., Seward Meridian, on the south shore of Pile Bay, lying between the Pile Bay to Cook Inlet Road (FAS 424), U.S. Survey No. 3920, U.S. Survey No. 3526 and Pile Bay. The uses allowed are those listed above for a one (1) acre site easement.

Subsequent findings identify easement (EIN 7 D9, L) as an omnibus road. The right-of-way interest in this road was transferred to the State of Alaska by quitclaim deed dated June 30, 1959, under the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141).

Therefore, the DIC is further amended to include the following under "The grant of lands shall be subject to":

Page 2114

4. Any right-of-way interest in Federal Aid Secondary (FAS) Route 424 from Iliamna Bay, northwesterly to Old Iliamna with a spur to Iliamna Lake, transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) as to T. 5 S., R. 27 W., Seward Meridian.

As to the following described lands, easement (EIN 7 D9, L) is hereby deleted:

Seward Meridian, Alaska

T. 4 S., R. 27 W.

Secs. 34 and 35.

T. 5 S., R. 27 W.

Secs. 4, 9, 14, 15, 23, and 25.

As to all lands previously conveyed, easement (EIN 7 D9, L) stands as written, and shall be subject to future easement review.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this modified decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the *ANCHORAGE TIMES*.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land

Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until May 9, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 710 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Technical Services, Pouch 7-005, Anchorage, Alaska 99510

Pedro Bay Corporation, Pedro Bay, Alaska 99647

Bristol Bay Native Corporation, P.O. Box 220, Anchorage, Alaska 99510

Except as modified by this decision, the decision of January 10, 1980, stands as written.

LaVelle Black,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-9110 Filed 4-6-83; 6:45 am]

BILLING CODE 4310-84-M

[Serial No. I-2834]

Idaho; Partial Termination of Classification for Multiple-Use Management

March 30, 1983.

1. Pursuant to the authority delegated by BLM Manual Section 1203-Delegation of Authority (48 FR 85), I hereby terminate the Bureau of Land Management Multiple-Use Classification Order dated December 4, 1970, and published in the *Federal Register* December 11, 1970, Vol. 35, No. 240, Pages 18883-18886, insofar as it affected the lands described below:

Boise Meridian, Idaho

T. 8 N., R. 21 E.,

Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 11, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 7 N., R. 22 E.,

Sec. 1, S $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 8 N., R. 22 E.,

Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 10, NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 11, W $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 14, W $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 15, NE $\frac{1}{4}$;

Sec. 22, SE $\frac{1}{4}$;

Sec. 27, W $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 7 N., R. 23 E.,

Sec. 6, lot 5.

The total area described above aggregates approximately 1720.37 acres in Custer County.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the *Federal Register* as provided by the regulation in 43 CFR 2461.5(c)(2).

3. At 9:00 a.m. on May 2, 1983, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 9:00 a.m. on May 2, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been, and will continue to be open to the mining laws, applications, and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau

of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Clair M. Whitlock,

State Director.

[FR Doc. 83-9106 Filed 4-6-83; 6:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[No. 39144 et al.¹]

Jack Gray Transport, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Six motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due April 22, 1983. The sought relief will become final May 9, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Elaine Dobbins (202) 275-6272

or

Howell I. Sporn (202) 275-7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The six motor contract carriers are identified in the appendix filed petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

¹ This proceeding embraces four petitions for exemption filed by motor contract carriers, as set forth in the appendix.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that contract rates are negotiated and agreed upon by these carriers and their shippers thereby making it unnecessary to subject them to the tariff filing requirements for such individual agreements.

Several petitioners state that they will provide interested parties with copies of their rates if requested.

We see no reason to deny these carriers the savings to be realized from a tariff filing requirement exemption.² It appears that exemption of these carriers from the requirement that they file tariffs covering their existing contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We further conclude that an exemption is justified for future contracts and services. Previously we consistently denied exemptions for future contracts and services. We found that because the terms and scope of those contracts are unknown, any exemption of future contracts could only be based on general findings about the continuing need for contract filing requirements for any contract carrier. However, after weighing the advantages and disadvantages to the parties involved and to the public, we conclude that exemption of these carriers, from the requirement that they file tariffs governing their future contract operations, is warranted.³ The requirement that a contract carrier file a separate exemption request for each new contract is unduly burdensome and time-consuming for both the carrier and the Commission. We also recognize that

² A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC-165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements*, 47 FR 57303 (December 23, 1982).

³ See No. 38883, *Red & Tan Tours—Petition for Exemption from Tariff Filing Requirements*, decided February 24, 1983.

for these carriers and their shippers, the savings to be realized from a tariff filing exemption for future contracts will be just as real and just as important as those realized from an exemption for existing contracts. Moreover, allowing these contract carriers to participate more freely in the marketplace is in the public interest and is consistent with the national transportation policy.

We, therefore, provisionally grant petitioners exemption from the contract carrier tariff filing requirements for future as well as existing contracts. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this provisional approval ought to be withdrawn or permitted to become final.

This decision does not appear to have a significant effect on either the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10762(b) 10761(b) and 10762(f).

Decided: March 30, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

The dockets embraced by this proceeding are as follows:

No. 39144—Jack Gray Transport, Inc.

No. 39145—Fast Freight Transfer, Inc.

No. 39146—Associated Truck Lines,

Inc. Garrett Freightlines, Inc. Graves

Truck Line, Inc.

No. 39147—Willis Trucking, Inc.

[FR Doc. 83-0006 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15010]

**Charles H. Lien and Bruce H. Lien—
Continuance in Control Exemption—
Dakota Block Co. and Universal
Transport, Inc.**

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343 (b) the acquisition by Charles H. Lien and Bruce H. Lien of control of Universal Transport, Inc. (MC-125909 and MC-126555) and Dakota Block Co., (MC-162830).

DATES: This exemption is effective on May 9, 1983. Petitions for

reconsideration must be filed by April 27, 1983. Petitions for stay must be filed by April 18, 1983.

ADDRESSES: Send pleadings to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and
(2) Petitioners' representatives: Charles H. Lien, Lien Industries, P.O. Box 2920, Rapid City, SD 57709

or
J. Maurice Andren, ICC Practitioner, 1734 Sheridan Lake Road, Rapid City, SD 57701

Pleadings should refer to No. MC-F-15010.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC-F-15010. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

Decided: March 30, 1983.

By the Commission, Division 2, commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-0074 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

**Rail Carriers; Exemptions for Contract
Tariffs; Missouri Pacific Railroad Co. et
al.**

AGENCY: Interstate Commerce
Commission.

ACTION: Notices of provisional
exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub- No.	Name of railroad, contract No. and specifics	Review Board ¹	Decided date
861	Missouri Pacific Railroad Co., ICC-MP-C-0289, (Pulboard)	1	3-30-83
862	Pittsburgh & Lake Erie Railroad Co., ICC-PLC-C-18, (Rail)	1	3-30-83
863	Missouri Pacific Railroad Co., ICC-MP-C-0299, (Potash)	3	3-30-83
864	Pittsburgh and Lake Erie Rail- road Co., ICC-PLC-C-0103, (Bituminous steam coal)	1	3-30-83
865	Norfolk and Western Railway Co., ICC-NW-C-0036, Sup- plement 4, (Soy bean meal)	1	3-30-83
866	Richmond, Fredericksburg and Potomac Railroad Co., ICC- RFP-C-0016, (Used motor vehicles)	3	3-30-83
867	Richmond, Fredericksburg and Potomac Railroad Co., ICC- RFP-C-0017, (Used motor vehicles)	1	3-30-83
868	Pittsburgh and Lake Erie Rail- road Co., ICC-PLC-C-0027, (Locomotives, freight cars and/or rail work equipment)	2	3-30-83
869	Southern Pacific Transportation Co., ICC-SP-C-0385, Supple- ment 3, (Soda ash)	3	3-31-83
890	Richard Ogilvie, Trustee for Property of Chicago, Milwau- kee, St. Paul and Pacific Rail- road Co., ICC-MILW-C-0330, Supplement 2, (Iron and/or steel articles)	3	3-31-83

¹Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Member Carleton not participating. Review Board No. 3, Members Krock, Joyce, and Dowell. Member Krock not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-0030 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce
Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

Volume No. OP 3-MCF-140

Decided: March 31, 1983.

Ross Brothers Transportation, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

MC-F-15179 ROSS BROTHERS TRANSPORTATION, INC., MC-139085 seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Shoemaker Trucking Company, a motor carrier, (i.e., Certificate Nos. MC-138875 Sub-Nos. 309 and 312X.) Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative David E. Wishney, 601 West Hays Street, Suite 11, Bosie, ID 83701-0837. Comments should refer to No. MC-F-15179.

Volume No. OP 4-200

Decided: March 30, 1983.

MC-F-15197 BOBBY KITCHENS, INC.—purchase exemption—RHETT BUTLER TRUCKING, INC., Summary: Pursuant to 49 U.S.C. 11343(e), Bobby Kitchens, Inc. (MC-147494), seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of authority issued to Rhett Butler Trucking, Inc., in No. MC-152056 (Sub-5.) Addresses: Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's representative, Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Comments should refer to No. MC-F-15197.

Volume No. OP 4-200

Decided: March 30, 1983.

MC-F-15150, SHAFT, INC.,—purchase exemption—SAWYER TRANSPORT, INC., (Nathan York, trustee in bankruptcy) Harold Shafer—continuance in control exemption—Shaft, Inc., and Shale Auto Transport, Inc. Sawyer Transport, Inc. (Sawyer) (MC-123407), and Shaft, Inc., (Shaft) seek an exemption from the requirement of prior regulatory approval for the purchase by Shaft of a portion of Sawyer's authority, MC-123407 (Sub-No. 668)X, paragraph 69, which authorizes the transportation of transportation equipment between points in the United States. Harold Shafer controls Shaft and Shale Auto Transportation, Inc., (Shale) (MC-41635), and upon purchase of the Sawyer authority there will be a continuance in control of Shaft and Shale. A temporary authority application has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Carl L. Steiner 135 South La Salle Street, Suite 2106, Chicago, IL 60603. Comments should refer to No. MC-F-15150.

Volume OP5-MCF-153

Decided: March 29, 1983.

MC-F-15202, C. Schmidt Trucking Co., Inc.—Purchase Exemption—Spector Red Ball, Inc. (debtor-in-possession). C. Schmidt Trucking Co., Inc. (Schmidt), and Spector Red Ball, Inc. (Spector), seek an exemption from the requirements under section 11343 of regulatory approval for the purchase by Schmidt from Spector, debtor in possession, of Certificates No. MC-2229 (Sub-No. 143) and Sub. Nos. 144, 146, 166, 170, 172, 174, 178, 183, 184, 188, 191, 193, 198, 199, 215, 272X, 132, 212F, and portions of Nos. MC-2229 (Sub-No. 119) and Sub-Nos. 169, 182, 186, 203, 250, 251, 252, 254, 255, 257, 259, 260, and 264 authorizing the transportation of general commodities, over regular routes, generally, between: (1) Milwaukee, WI, Quincy, IL, St. Louis, MO, on the west, and, on the east, Boston, MA, New York, NY, serving named intermediate points in IL, MO, IN, OH, PA, NY, MA, CT, RI, NJ, MD, and DC, with restriction, and (2) Kansas City, MO, Chattanooga, TN, Greenville, SC, on the north and east, and, on the south and west, New Orleans, LA, Shreveport, LA, and Fort Smith, AR, serving intermediate and named points in MO, AR, LA, MS, TN,

AL, GA, and SC, and (3) over regular routes between Chicago, IL, and Dallas-Forth Worth, TX, serving specified points in IL, MO, OK, and TX. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioner's representative J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247, (214) 631-4220 and Charles Schmidt, Jr., 101 West Sanger, P.O. Box 547, Salem, IL 62881, 618-548-5823. Comments should refer to No. MC-F-15202.

[FR Doc. 83-9067 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the Findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.
 Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3,
 (202) 275-5223.

Volume OP 3-MCFC-141

Decided: March 30, 1983.

MC-FC-81295. By decision of March 30, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1, approved the transfer to KEN HUDSON ENTERPRISES, INC., Thomasville, NC, of Certificate No. MC-157095 issued January 25, 1982, authorizing the transportation of *general commodities* (with usual exceptions), between Greensboro, NC and Knoxville, TN, on the one hand, and, on the other, points in NC, SC, TN and VA. A temporary authority application has been filed. Representative: Kenneth Hudson, 714 Cedar Lane, Thomasville, NC 27380, (919) 475-1534.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-204

MC-FC-81335, filed March 24, 1983. By decision of March 31, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to WILLIAM R. ELDEN, COREY R. ELDEN, AND TRAVIS J. ELDEN, d.b.a. ELDEN MOVING & STORAGE, of Altoona, PA, of Certificate No. MC-79847, issued January 16, 1979, to PARK TRANSFER AND STORAGE CO., INC., of Altoona, PA, authorizing the transportation of *household goods*, between points in Somerset, Cambria, Clearfield, Centre, Huntingdon, Mifflin, Bedford, Fulton, and Blair Counties, PA, on the one hand, and, on the other, points in NY, NJ, OH, MO, MI, IL, CT, DE, MA, MD, NC, IN, WV, SC, VA, WI, and DC. Representative: William R. Elden, 306 8th St., Altoona, PA 16601, for both transferee and transferor.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-FC-154

MC-FC-81308. By decision of March 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to PMG AND SONS TRUCKING CORPORATION, San Ysidro, CA, of Certificate No. MC-114178 Sub 1, issued March 16, 1956, to JOSE RODRIGUEZ Y CASAL, doing business as MEXICO-U.S. TRUCK LINE, San Ysidro, CA, authorizing the transportation of general

commodities, with exceptions, over regular routes, between San Ysidro, CA, and the port of entry on the international boundary line between the United States and Mexico at San Ysidro, CA. An application for temporary authority has been filed Representative: Alex B. Scheingross, 3232 Fourth Avenue, San Diego, CA 92103

[FR Doc. 83-9066 Filed 4-6-83; 8:45 am]
 BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative

requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-80183. By decision of March 29, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 3 approved the transfer to J.R.S. LEASING CHARGER, INC., of Oak Lawn, IL of Permit No. MC-146643 (Sub-No. 36F) issued October 23, 1980 to INTER-FREIGHT TRANSPORTATION, INC., (Thomas E. Raleigh—Trustee in the Bankruptcy), Chicago, IL, authorizing the transportation of (1) *cleaning, scouring, washing and buffing compounds* (except in bulk), and (2) *vending machines, mops and brushes*, from Montgomery, IL, to St. Paul, MN, St. Louis, MO, Des Moines, IA, and Indianapolis, IN, under continuing contract(s) with Rochester Germicide Co., of Rochester, NY. No TA filed. Transferee is a broker. Income is under \$2 million. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603; Thomas W. Drexler, 105 West Madison St., Chicago, IL 60602.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-9070 Filed 4-6-83; 8:45 am]
 BILLING CODE 7035-01-M

[OP3-MCF-144]

Motor Carriers; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 L.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special

rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operated authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: April 1, 1983.

By the Commission, Review Board 1, Members Parker, Chandler, and Fortier. Member Parker not participating.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3 (202) 275-5223.

MC-F-15196, filed March 14, 1983. LEISURE TIME TOURS (LEISURE) (4 Leisure Lane, Mahwah, NJ 07430)—MERGER—GOLDEN COACH A.C. INC., (GCAC) (4900 Wellington Avenue, Ventnor City, NJ 08406). Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666. Leisure seeks authority to merge all the operating rights and property of GCAC into Leisure for ownership, management and operation. Leisure and GCAC are both wholly-owned subsidiaries of Golden Nugget, Inc. Golden Nugget, Inc., a non-carrier, seeks authority to acquire control of merged operating rights through the transaction. Pursuant to an Agreement and Plan of Merger, effective January 1, 1983, the existence of GCAC shall cease, and all shares of GCAC common stock shall be converted and exchanged for shares of common stock of Leisure. Leisure is a motor common and contract carrier pursuant to certificates and permit in MC-142011 and MC-152677 and sub-numbers thereunder. The operating rights of GCAC to be merged into Leisure are contained in certificate No. MC-151634 (Sub-Nos. 1 thru 6) authorizing: (Sub-Nos. 1 and 6) *passengers and their baggage*, in special operations, over irregular routes, between points in CT, DE, MD, NJ, NY, PA, VA, and the DC, on the one hand, and, on the other, Atlantic City, NJ. (Sub-Nos. 2, 4, and 5) *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, over regular and irregular routes, (a) between Philadelphia and Ben Salem Township, PA, on the one hand, and, on the other, Atlantic City, NJ; over regular routes (b) between Bronx, NY, and Atlantic City, NJ; and (c) between Newark, DE, and Atlantic City, NJ; as well as (Sub-No. 3) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the United States.

Note.—(1) No application for TA has been filed. (2) Any duplication in the authority which may be transferred does not confer more than one operating right.

[FR Doc. 83-9072 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-5-150]

Motor Carriers; Permanent Authority Decisions; Restriction Removals

Decided: March 29, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the *Federal Register* of December 31, 1980, at 45 FR 88747 and redesignated at 47 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 228 (Sub-85X), filed March 15, 1983. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, (201) 666-5111. Sub 5: Applicant holds interstate regular-route authority to transport passengers on various routes in New Jersey including service at all intermediate points but restricted against picking up passengers in New York City for discharge in a specified part of NJ, and also restricted against picking up passengers in the described portion of NJ for discharge in New York City. Applicant seeks to remove that

restriction on the basis that it precludes service at all intermediate points.

[FR Doc. 83-9071 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it

is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-155

Decided: March 31, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 263 (Sub-245), filed March 18, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, 313-496-3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 6992 (Sub-25), filed March 22, 1983. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1335 Sadler Circle, East Dr., Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant), 317-353-8331. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Rockwell International and its subsidiary, Graphic Systems Division, both of Pittsburgh, PA.

MC 87113 (Sub-32), filed March 22, 1983. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Rd., Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006, 202-833-8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Union Carbide Corp., of Danbury, CT.

MC 141002 (Sub-3), filed March 9, 1983. Applicant: ARNEL COACH LINES, INC., 455 Georgia Ave., Atlanta, GA 30312, 404-525-3132. Representative: Robert E. Born, 1447 Peachtree St., NE., Suite 508, Atlanta, GA 30309, 404-892-8020. Transporting *passengers*, (1) over irregular routes, in charter and special operations, between points in the U.S.; and (2) over regular routes, (A) between Manchester and Columbus, GA: from Manchester over GA Hwy 41 to Talbotton, then over U.S. Hwy 80 to Columbus, and return over the same route, (B) between Atlanta and Columbus, GA: from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 185, then over Interstate Hwy 185 to Columbus, and return over the same, and (C) serving all intermediate points on routes (A) and (B) above.

Note.—(A) In part (2) above applicant seeks to provide regular-route service only in interstate of foreign commerce; and (B) applicant may tack the regular-route authority with existing regular route authority.

MC 141652 (Sub-54), filed March 21, 1983. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39206. Representative: Paul M. Daniell, Atlanta Gas Light Towers, Suite 1200, 235 Peachtree St., NE, Atlanta, GA 30303, 404-522-2322. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151193 (Sub-39), filed March 18, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representative: Michael A. Beam (same address as

applicant), 201-499-3869. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with Daylight Transport, Inc., of Maspeth, NY.

MC 156092 (Sub-1), filed March 7, 1983. Applicant: MAGNUM HAULERS, INC., 515 State Fair Blvd., Syracuse, NY 13204. Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204, (703) 979-1827. Transporting *food and related products*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 160393 (Sub-1), filed March 16, 1983. Applicant: JIM MILLER TRUCKING, INC., 644 E. Slater, Marshall, MO 65340. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214-255-6279. Transporting (1) *chemicals and related products*, between points in LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *food and related products*, between points in the U.S. (except AK and HI).

MC 163613 (Sub-1), filed March 23, 1983. Applicant: GIBSON TRANSPORTATION, INC., Box 121, Onarga, IL 60955. Representative: Edward D. McNamara, Jr., 907 South Fourth, P.O. Box 5039, Springfield, IL 62705, 217-528-8476. Transporting *construction materials*, between Chicago, IL, on the one hand, and, on the other, points in IN, IA, and WI.

MC 164013 (Sub-2), filed March 7, 1983. Applicant: MIKE BRUA TRUCKING, 1114 Milton Ave., Worthington, MN 56187. Representative: Mike Brua (same address as applicant), (507) 327-2693. Transporting *paper and paper products, plastic and plastic products, virgin resin, and steel wire*, between points in Nobles County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165382 (Sub-1), filed March 10, 1983. Applicant: MO-TRAN BUS LINES, INC., 104 North Clark St., Moberly, MO 65270. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515-282-3525. Over regular routes, transporting *passengers*, (1) between Cedar Rapids and Iowa City, IA: from Cedar Rapids over IA Hwy 149 to junction U.S. Hwy 6, then

over U.S. Hwy 6 to Iowa City, and return over the same route; (2) between Ottumwa and Des Moines, IA: from Ottumwa over U.S. Hwy 63 to junction IA Hwy 163, then over IA Hwy 163 to Des Moines, and return over the same route; (3) between Cedar Rapids and Mount Vernon, IA, over U.S. Hwy 30, serving all intermediate points in routes (1), (2), and (3) above.

Note.—(1) Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same routes, and (2) Applicant may track this authority with its existing authority.

MC 166893, filed March 9, 1983. Applicant: AMERICAN VAN LINES, INC., 468 Wild Ave., Staten Island, NY 10314. Representative: Larry Chirco (same address as applicant), (212) 494-8000. Transporting *household goods*, between points in CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, RI, SC, VA, and DC.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-136

Decided: March 30, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 96854 (Sub-2(A)), filed March 15, 1983. Applicant: LEWIS & MICHAEL, INC., 1827 Woodman Dr., Dayton, OH 45420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except HI).

MC 166855, filed March 17, 1983. Applicant: GEORGE J. GOTT ASSOCIATES, INC., 134 Landing Rd., Landing, NJ 07850. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166884, filed March 18, 1983. Applicant: J & J SERVICE CO, INC., 35 Dublin Lane, Cherry Hill, NJ 08003. Representative: Edward D. Sheehan, 511 Cooper St., Camden, NJ 08102, (609) 365-7665. Transporting *passengers*, in charter and special operations, between points in NJ, PA, NY, DE, MD, VA, and DC.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3-139

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 61335 (Sub-20), filed March 17, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr., Bethlehem, PA 18017. Representative: W.C. Mitchell, 144 Ridge Rd., Watchung, NJ 07060, (201) 755-2023. Over regular routes, transporting *passengers*, between Bethlehem, PA and Atlantic City, NJ: From Bethlehem over PA Hwy 29 to junction PA Hwy 63 at Green Lane, PA, then over PA Hwy 63 to junction PA Hwy 9 (Pennsylvania Turnpike) near Kulpville, PA, then over PA Hwy 9 to junction Interstate Hwy 476 near Plymouth Meeting, PA, then over Interstate Hwy 476 to junction Interstate Hwy 76 at West Conshohocken, PA, then over Interstate Hwy 76 to junction NJ Hwy 42 at Camden, NJ, and then over NJ Hwy 42 and Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Note.—This regular route authority may be tacked with carrier's existing authority.

MC 166895, filed March 21, 1983. Applicant: SOUTH PADRE SALES, INC., 203 West Mesquite, P.O. Box 2422, South Padre Island, TX 78597. Representative: Ben Atwell, 3507 Bee Cave Rd., Austin, TX 78746, (512) 327-0342. Transporting *passengers*, in special and charter operations, beginning and ending at points in TX.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-203

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 30076 (Sub-2), filed March 28, 1983. Applicant: LUZERNE & CARBON COUNTY MOTOR TRANSIT COMPANY, INC., P.O. Box 208, Corner of Broad & Beaver Sts., Beaver Meadows, PA 18216. Representative: Michael D. Baran (same address as applicant), (717) 455-4381. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-9076 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the Federal Register on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions)

we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C.

10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-154

Decided: March 31, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Krock not participating.)

MC 28462 (Sub-14), filed March 2, 1983. Applicant: DENVER COLORADO SPRINGS PUEBLO MOTOR WAY, INC., 1055 19th St., Denver, CO 80202. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Transporting (A) passengers, in charter or special operations, between points in the U.S. (except HI) and (B) shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in part (A) above.

For the following, please direct status calls to Team 3 at 202-275-5223.

Vol. No. OP3-137

Decided: March 30, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 15735 (Sub-75), filed March 18, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting household goods, between points in the U.S. (except HI), under continuing contract(s) with The New York Times Co., and its subsidiaries, of New York, N.Y.

MC 42604 (Sub-11), filed March 17, 1983. Applicant: GEORGE HUSACK, INC., 167 Locust Dr., Schnecksville, PA 18078. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting metal products, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 53965 (Sub-206), filed March 18, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One

Woodward Ave., 26th Fl., Detroit, MI 48226, (313) 496-3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Montgomery Ward & Co., of Chicago, IL.

MC 96854 (Sub-2(B)), filed March 15, 1983. Applicant: LEWIS & MICHAEL, INC., 1827 Woodman Dr., Dayton, OH 45420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting (1) *general commodities* (except classes A and B explosives and commodities in bulk), between Dayton, OH, on the one hand, and, on the other, points in OH; and (2) *household goods, office furniture and fixtures*, between points in Montgomery, Preble and Greene Counties, OH, on the one hand, and, on the other, points in OH.

Note.—Applicant's Certificate of Registration, MC 96854 Sub 1, will be revoked upon issuance of a certificate in this proceeding.

MC 123285 (Sub-12), filed February 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151774 (Sub-1), filed March 15, 1983. Applicant: WILLARD ORRICK AND LARRY FISCHER, d.b.a. ORRICK TRANSPORTATION, 986 Ruth Layne, Niles, MI 49120. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, IN 46516, (219) 293-3597. Transporting *chemicals and related products*, between points in Kalamazoo County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158305, filed March 18, 1983. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, and NV.

MC 163285, filed March 18, 1983. Applicant: J. M. WASHBURN-LINDER CO., INC., 12 Trip St., Framingham, MA 01701. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273-3530. Transporting *chemicals and related products*, between points in MA, on the one hand,

and, on the other, points in Cook County, IL, under continuing contract(s) with Thiokol Corporation, Ventron Division, of Danvers, MA, and Savogran Company, of Norwood, MA.

MC 166885, filed March 18, 1983. Applicant: C & A TRUCKING, INC., 1135 South Fulton, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Blvd., Oklahoma City, OK 73118, (405) 848-7946. Transporting *petroleum and petroleum products*, between points in OK and TX.

MC 166874, filed March 18, 1983. Applicant: RIDDLE TRUCKING, INC., RR 2, Box 256, Montgomery City, MO 63361. Representative: Herman W. Huber, 301 East High St., Jefferson City, MO 65101, (314) 636-9131. Transporting *food and related products*, between points in Audrain County, MO, on the one hand, and, on the other, points in AR, IL, IA, and MO.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-202

Decided: March 31, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 42487 (Sub-1072), filed March 28, 1983. Applicant: CONSOLIDATED FREIGHTWAY CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with International Telephone and Telegraph Corporation, of New York, NY, and its wholly-owned subsidiaries.

MC 114457 (Sub-591), filed March 28, 1983. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: Alan D. Swenson (same address as applicant), (612) 645-0323. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA.

MC 141747 (Sub-11), filed March 22, 1983. Applicant: ENGLE BROTHERS TRUCKING, INC., Rural Route #1, Rector, AR 72461. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK

and HI), under continuing contract(s) with Double E Brokerage Company, of Rector, AR.

MC 153186 (Sub-1), filed March 25, 1983. Applicant: NOX-CHEM TRANSPORTATION, INC., 1444 S. 20th St., Omaha, NE 68108. Representative: Robert S. Meicher (same address as applicant), (402) 341-1622. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-151

Decided: March 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143568 (Sub-7), filed March 21, 1983. Applicant: SIMMONS TRUCKING, INC., 400 South Ave., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105-1961, (816) 221-1464. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Aldi, Inc., of Batavia, IL.

MC 166648, filed March 7, 1983. Applicant: TIM SARTIN TRUCKING, 19837 Thimble Creek Drive, Oregon City, OR 97045. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting (1) *food and related products*, (2) *pulp, paper, and related products*, and (3) *printed matter*, between points in WA, OR, and CA, on the one hand, and, on the other, points in WA, OR, CA CO, ID, IL, KS, MI, MO, NE, and UT.

Volume No. OP5-149

Decided: March 29, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF-679, filed March 17, 1983. Applicant: BOMAR INTERNATIONAL FORWARDING, INC., 2405 Bingham St., Honolulu, HI 96826. Representative: Robert G. Voseipka (same address as applicant), (808) 845-2796. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 18288 (Sub-9), filed February 23, 1983, previously noticed in Federal Register issue of March 14, 1983. Applicant: J. U. BAKER, INC., Landisville, PA 17538. Representative: Christian V. Graf, 407 N. Front Street,

Harrisburg, PA 17101, (717) 236-9318. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in Beaver County, PA, on the one hand, and, on the other, points in NY, and (2) between points in Lancaster County, PA, on the one hand, and, on the other, points in OH.

Note.—The purpose of this republication is to show Lancaster County, PA, in lieu of the City of Lancaster, PA in part (2).

MC 87079 (Sub-2), filed March 22, 1983. Applicant: EASTERN OREGON FAST FREIGHT, INC., 526 SE Division Pl, Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Portland and Baker, OR, from Portland over Interstate Hwy 84 to Baker and return over the same route, serving all intermediate points and the off-route points of Baker, Union, Wallowa, Umatilla, Morrow, Wasco, Hood River, Sherman and Gilliam Counties, OR.

MC 107229 (Sub-14), filed March 21, 1983. Applicant: AMODIO MOVING, INC., 600 East Street, New Britain, CT 06051. Representative: Jayne M. Amodio (same address as applicant), 203-223-2725. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Aetna Life and Casualty of Hartford, CT.

MC 134518 (Sub-9), filed March 15, 1983. Applicant: CHEESE HAULING, INC., P.O. Box 1973, Bismarck, ND 58502. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557-1320. Transporting *paper and paper products*, between points in WI, on the one hand, and, on the other, points in ND.

MC 136939 (Sub-6), filed March 21, 1983. Applicant: CLAYTON'S INC., P.O. Box 38, Ucon, ID 83454. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, 208-336-5955. Transporting *general commodities* (except classes A and B explosives, household goods), between those points in the U.S. in and west of ND, SD, NE, KS, OK and TX (except AK and HI).

MC 141758 (Sub-24), filed March 14, 1983. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Robert J. Dunbar (same address as applicant) (203) 646-1233. Transporting *electrical fuses, related materials and products*, between points in the U.S. (except AK and HI), under continuing contract(s) with

McGraw Edison Corporation, Bussman Division, of St. Louis, MO.

MC 143648 (Sub-10), filed March 21, 1983. Applicant: CORALVILLE TRANSPORT, INC., R.R. 1, Lamont, IA 50650. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *chemicals and related products*, between points in Brown County, WI, on the one hand, and, on the other, points in IA.

MC 144449 (Sub-13), filed March 18, 1983. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, P.O. Box 1592, Fort Worth, TX 76101. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. Transporting *electronics, electrical machinery, equipment, and supplies*, between points in the U.S. (except AK and HI), under continuing contract(s) with International Power Machines Corporation, of Mesquite, TX.

MC 153979 (Sub-4), filed March 17, 1983. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23237. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235, (804) 745-0446. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between point in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permits in MC-153979, MC-153979 Sub 1, MC-153979 Sub 2, MC-153979 Sub 3, issued October 23, 1981, April 20, 1982, February 5, 1982, and August 6, 1982, respectively.

Note.—The purpose of this application is to convert applicant's authority from contract to common under 49 U.S.C. 10925(e).

[FR Doc. 83-9077 Filed 4-6-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30140]

Rail Carriers; Baltimore & Ohio Railroad Co.—Abandonment Exemption—Marion County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Baltimore and Ohio Railroad Company of its 3.62 mile Annabelle Branch in Marion County, WV, subject to standard employee protective conditions.

DATES: This exemption shall be effective on May 9, 1983. Petitions to stay the effectiveness of this decision must be filed by April 18, 1983, and petitions for reconsideration must be filed by April 27, 1983.

ADDRESSES: Send Pleadings to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201. Pleadings should refer to Finance Docket No. 30140

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact:

T. S. InfoSystems, Inc., Room 2227, c/o Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423
or telephone:
(202) 289-4357 (D.C. Metropolitan area),
(800) 424-5403 (toll free—outside the D.C. area).

Decided: March 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-9075 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30121]

Rail Carriers; Consolidated Rail Corporation—Trackage Rights Exemption—Over Chesapeake & Ohio Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343, the trackage rights agreement for Consolidated Rail Corporation to operate over 10 miles of the Chesapeake and Ohio Railway Company between Upper Sandusky and Carey, OH.

DATES: This exemption becomes effective on May 9, 1983. Petitions to stay must be filed by April 18, 1983. Petitions for reconsideration must be filed by April 27, 1983.

ADDRESSES: Send petitions for reconsideration referring to Finance Docket No. 30121 to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioners' representative: Charles E. Mechem, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. Info Systems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Commissioner Andre was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-9073 Filed 4-6-83; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-28]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Executive Subcommittee.

DATE: April 27, 1983, 9 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 400 Maryland Avenue SW, Room 7137, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8383).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Executive Subcommittee was established under the NASA Advisory Council to assist the chair in planning the activities, establishing meeting agendas, and otherwise guiding the activities of the Council. The

subcommittee is chaired by Mr. Daniel J. Fink, and includes seven other members, six of whom chair standing committees of the Council.

The meeting will be closed to the public. The members will each describe their respective committees, the committee mode of operation, present and prospective future membership, interfaces both with NASA and with outside parties, and areas for future committee activity. Special attention in these discussions will be given to individuals who are being considered as candidates for membership on the Council and its committees. Throughout the sessions, the qualifications of these individuals will be candidly discussed and appraised. Because the meeting will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

Type of meeting: Closed.

Dated: March 31, 1983.

Richard L. Daniels,
Director, Management Support Office, Office of Management.

[FR Doc. 83-9106 Filed 4-6-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Reports Issued:

Aircraft Accident Report—Sky Train Air, Inc., Gates Learjet 24, N44CJ, Felt, Oklahoma, October 1, 1981 (NTSB-AAR-82-4) (NTIS Order No. PB82-910404).

Aircraft Accident Report—Ashland Properties, Inc., Cessna 414A, N2620L, near Hanover County Airport, Ashland, Virginia, January 3, 1982 (NTSB-AAR-82-12) (NTIS Order No. PB82-910412).

Aircraft Accident Report—World Airways, Inc., Flight 30H, McDonnell Douglas DC-10-30CF, N113WA, Boston-Logan International Airport, Boston, Massachusetts, January 23, 1982 (NTSB-AAR-82-15) (NTIS Order No. PB82-910415).

Aircraft Accident Report—Gifford Aviation, Inc., deHavilland DHC-6, N103AQ, Hooper Bay, Alaska, May 16, 1982 (NTSB-AAR-82-16) (NTIS Order No. PB82-910416).

Railroad Accident Report—Head-On Collision of Amtrak Trains Extra 769 East and No. 195, Bristol, Pennsylvania, March 29, 1982 (NTSB-RAR-82-5) (NTIS Order No. PB82-916305).

Railroad Accident Report—Derailment of Amtrak Train No. 5 (The San Francisco Zephyr) on the Burlington Northern Railroad, Emerson, Iowa, June 15, 1982 (NTSB/BAR-83/02) (NTIS Order No. PB83-916302).

Railroad/Highway Accident Report—Automobile/Missouri Pacific Railroad Freight Train Collision, Woodland Drive, Lake View, Arkansas, July 9, 1982 (NTSB-TSR-RHR-83-1) (NTIS Order No. PB83-917001).

Highway Accident Report—Pacific Intermountain Express Tractor Cargo Tank Semitrailer/Eagle F.B. Truck Lines, Inc., Tractor Lowboy Semitrailer Collision and Fire, U.S. Route 50, near Canon City, Colorado, November 14, 1981 (NTSB-HAR-82-3) (NTIS Order No. 916203).

Marine Accident Report—Fire On Board the Cypriot Bulk Carrier PROTECTOR ALPHA, Columbia River, Kalama, Washington, February 14, 1982 (NTSB-MAR-83-1) (NTIS Order No. PB83-916401).

Marine Accident Report—Capsizing and Sinking of the U.S. Mobile Offshore Drilling Unit OCEAN RANGER Off the East Coast of Canada, 166 Nautical Miles East of St. John's, Newfoundland, February 15, 1982 (NTSB-MAR-83-2) (NTIS Order No. PB83-916402).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630.

Recommendations to:

Aviation—Federal Aviation

Administration: Mar. 24: A-83-27: Realign the LDA runway 18 approach course [at Washington National Airport] from 147° to 153° or even closer to the Potomac River if possible and provide glideslope guidance down to the lowest altitude allowable by TERPS criteria. **R-83-28:** Add a visual descent point (VDP) to the VOR/DME runway 18 approach, located at a point where the VASI glideslope intersects the MDA or where a 3° descent angle to the touchdown point intersects the MDA. **R-83-29:** Amend the VOR/DME 18 approach chart to depict a transition to visual flight over the Potomac River similar to that depicted on the current LDA 18 approach chart and include an advisory to the effect that:

After obtaining visual reference to the runway, but no sooner than the final approach fix (FAF), transition to visual flight over the Potomac River. Maintain Minimum Descent Altitude until the visual descent point.

A-83-30: Move the ARTS-3 antenna array to a site where it will provide more reliable operation of the minimum safe altitude warning (MSAW) system. **Mar. 8: A-83-3:** Issue an Airworthiness Directive to require that rubberized bladder-type fuel cells in Cessna Models C-180, C-182, C-185, C-188, C-206, and C-207 be drained, purged, and swabbed to eliminate any water that may be entrapped within the cells. Other fuel system components, including fuel header tanks, carburetor bowls, fuel strainers, and fuel lines between the strainer and the low point of the fuel system, also should be drained at the same time. **A-83-4:** Issue an Airworthiness Directive applicable to Cessna Models C-180, C-182, C-185, C-188, C-206, and C-207 equipped with rubberized bladder-type fuel cells to require that a fuel filler cap leak test in accordance with Cessna Owner Advisory SE 82-34A be conducted concurrently with the procedure in Safety Recommendation A-83-3 and subsequently on a periodic basis; if leakage is detected,

require compliance with Cessna Service Letter SE 80-59. A-83-5: Conduct an engineering evaluation of general aviation bladder-type fuel systems to determine the best means for improving the detection and elimination of water from these systems. Consideration should be given to bladder design features, installation procedures, and special system requirements. A-83-6: Require a fuel system modification to Cessna single-engine airplanes with rubberized bladder-type fuel cells which will provide a means for positive detection and/or elimination of water from the fuel, such as an increased capacity fuel strainer or a separate water collector system and quick drains at the low point of the fuel system. A-83-7: Conduct an engineering evaluation of Cessna's flush plastic fuel caps to determine their sealing/venting characteristics under various critical service conditions, including extremes of temperature. If deficiencies are noted, appropriate corrective action should be required. A-83-8: Issue an Airworthiness Directive to require the installation of wing fuel tank quick drains on all Piper PA-11, PA-12, PA-18, PA-18A, PA-20, and PA-22 airplanes in accordance with Piper Service Spares Letter No. 6. A-83-9: Issue an Airworthiness Directive to require the installation of quick drains at appropriate locations on the fuselage fuel tanks of Piper Models J-3 and PA-25 airplanes. A-83-10: Prepare and disseminate an Advisory Circular dealing exclusively with water-in-fuel problems. This circular should outline specific procedures for prevention, detection, and elimination of water in the fuel systems of various types of airplanes. A-83-11: Emphasize on a recurrent basis in Advisory Circular 43-16, "General Aviation Airworthiness Alerts," the maintenance and operational considerations related to water in the fuel. Mar. 25: A-83-13: Review all Low Level Wind Shear Alert System installations to identify possible deficiencies in coverage similar to the one resulting from the inoperable west sensor at New Orleans International Airport and correct such deficiencies without delay. A-83-14: Make appropriate distribution to the aviation community of information regarding (1) the location and designation of remote sensors of the Low Level Wind Shear Alert System (LLWSAS) at equipped airports, (2) the capabilities and limitations of the LLWSAS, and (3) the availability of current LLWSAS remote sensor information if requested from tower controllers. A-83-15: Record output data from all installed Low Level Wind Shear Alert System sensors and retain such data for an appropriate period for use in reconstructing pertinent wind shear events and as a basis for studies to effect system improvements. A-83-16: Emphasize to pilots on a continuing basis the importance of making prompt reports of wind shear in accordance with prescribed reporting guidelines, and assure that Air Traffic Control personnel transmit such reports to pilots promptly. A-83-17: Require that Automatic Terminal Information Service advisories be amended promptly to provide current wind shear information and other information pertinent to hazardous meteorological conditions in the terminal

area as provided by Center Weather Service Unit meteorologists, and that all aircraft operating in the terminal area be advised by blind broadcast when a new Automatic Terminal Information Service advisory has been issued. A-83-18: Evaluate methods and procedures for the use of current weather information from sources such as radar, Low Level Wind Shear Alert Systems, and pilot reports as criteria for delaying approach and departure operations which would expose the flight to low altitude penetration of severe convective weather. A-83-19: Study the feasibility of establishing aircraft operational limitations based on the data available from the Low Level Wind Shear Alert System. A-83-20: Make the necessary changes to display Low Level Wind Shear Alert System wind output data as longitudinal and lateral components to the runway centerline. A-83-21: Use the data obtained from the Joint Airport Weather Studies (JAWS) Project and other relevant data as a basis to (1) quantify the low-level wind shear hazard in terms of effect on airplane performance, (2) evaluate the effectiveness of the Low Level Wind Shear Alert System and improvements which are needed to enhance performance as a wind shear detection and warning system, and (3) evaluate the aerodynamic penalties of precipitation on airplane performance. A-83-22: As the data obtained from the Joint Airport Weather Studies (JAWS) Project become available (1) develop training aids for pilots and controllers to emphasize the hazards to flight from convective weather activity, (2) develop realistic microburst wind models for incorporation into pilot flight simulator training programs, and (3) promote the development of airborne wind shear detection devices. A-83-23: Expedite the development, testing, and installation of advanced Doppler weather radar to detect hazardous wind shears in airport terminal areas and expedite the installation of more immediately available equipment such as add-on Doppler to provide for detection and quantification of wind shear in high risk airport terminal areas. A-83-24: Encourage industry to expedite the development of flight director systems such as MFD-delta-A and head-up type displays which provide enhanced pitch guidance logic which responds to inertial speed/airspeed changes and ground proximity and encourage operators to install these systems. A-83-25: Recommend to air carriers that they modify pilot training on simulators capable of reproducing wind shear models so as to include microburst penetration demonstrations during takeoff, approach, and other critical phases of flight. A-83-26: Advise air carriers to increase the emphasis in their training programs on the effective use of all available sources of weather information, such as preflight meteorological briefings, ATIS broadcasts, controller-provided information, PIREPS, airborne weather radar, and visual observations, and provide added guidance to pilots regarding operational (i.e., "go/no go") decisions involving takeoff and landing operations which could expose a flight to weather conditions which could be hazardous.

Railroad—Association of American Railroads: Mar. 7: R-83-28: In conjunction

with the Railway Labor Executives Association, assist the Federal Railroad Administration in developing a requirement that timely toxicological tests are performed on all operating employees involved in a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. R-83-29: In conjunction with the Railway Labor Executives Association, assist the Federal Railroad Administration in developing regulations and procedures to require that alcohol/drug involvement related accidents/incidents be fully reported to the FRA so that a data base can be developed for devising and implementing effective safety countermeasures to eliminate or minimize accidents involving alcohol/drug abuse. Mar. 8: R-83-27: Inform its membership of the facts and circumstances of the derailment at Emerson, Iowa, on June 15, 1982, and recommend to its member railroads that they adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operation of train movements.

Federal Railroad Administration: Mar. 7: R-83-30: Immediately promulgate a specific regulation with appropriate penalties prohibiting the use of alcohol and drugs by employees for a specified period before reporting for duty and while on duty. R-83-31: With the assistance of the Association of American Railroads and the Railway Labor Executives Association, develop and promulgate effective procedures to ensure that timely toxicological tests are performed on all employees responsible for the operation of the train after a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. R-83-32: With the assistance of the Association of American Railroads and the Railway Labor Executives Association, develop and promulgate a requirement that alcohol/drug abuse involvement accidents/incidents be fully reported to the FRA.

Railway Labor Executives Association: Mar. 7: R-83-33: In conjunction with the Association of American Railroads, assist the Federal Railroad Administration in developing a requirement that timely toxicological tests are performed on all operating employees involved in a railroad accident which involves a fatality, a passenger train, releases of hazardous materials, an injury, or substantial property damage. R-83-34: In conjunction with the Association of American Railroads, assist the Federal Railroad Administration in developing regulations and procedures to require that alcohol/drug involvement related accidents/incidents be fully reported to the FRA so that a data base can be developed for devising and implementing effective safety countermeasures to eliminate or minimize accidents involving alcohol/drug abuse.

Pipeline—Washington Gas Light Company: Mar. 24: P-3-8: Evaluate its employee training and qualification programs for work on pipelines containing gas under pressure for sufficient emphasis on employees' strictly adhering to company procedures in the

interest of employee and public safety, and modify them as necessary. *P-83-9:* Emphasize to its supervisory personnel their responsibility to assure that employees under their direction adhere to established gas company safety procedures.

American Gas Association: Mar. 24: P-83-10: Notify its member companies of the circumstances of the accident involving natural gas that occurred in Burke, Virginia, on October 29, 1983, and urge them to emphasize to their supervisory personnel the need for strict adherence to established company safety procedures.

Gas Research Institute: Mar. 24: P-83-11: Include within its ongoing research for assessing the cost effectiveness of excess flow valves, an assessment of the potential for such valves to prevent or minimize the effect of accidents which may occur while work is being performed on the system by gas company employees.

Highway—Seventeen Associations Involved With Colleges and Universities: Feb. 24: H-83-5: Advise your members of the circumstances of the accident in Lynchburg, Virginia, on Oct. 6, 1982, involving 66 students from the University of Virginia riding in a truck. *H-83-6:* Urge your members to establish a policy for the transportation of student groups to and from off-campus events that would: (1) prohibit the use of truck and other nonpassenger-carrying vehicles, (2) discourage the use of drivers who are members of the student group being transported, and (3) advocate the use of buses and trained, for-hire drivers.

Note.—Single copies of the recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost 20 cents per page (\$2 minimum charge).

Recommendation Responses from:

Aviation—Federal Aviation Administration: Mar. 11: A-83-1: Feels that the minimal added requirements of TSO-C100 concerning child or infant restraint devices are necessary for the safety of children and infants traveling on aircraft. Plans no further action on this recommendation and requests that it be withdrawn unless the Safety Board can provide substantive justifications as to why the requirements of TSO-C100 are unnecessary. *Mar. 11: A-80-113:* Issued Advisory Circular 20-117 on Dec. 17, 1982, titled "Hazards Following Ground Deicing and Ground Operations on Conditions Conducive to Aircraft Icing" as a result of findings derived from research and development effect conducted by the FAA.

Highway—Federal Highway Administration: Jan. 31: H-81-2: Plans a two-phase approach to improve the accident data base for use in determining the relationship between compliance with the Federal Motor Carrier Safety Regulations (FMCSR) and the Federal Hazardous Materials Regulations (FHMRL) and motor carrier accident/incident reduction. First, the Bureau of Motor Carrier

Safety (BMCS) will revise the accident report form. A revised form, capable of identifying preventable from nonpreventable accidents, is anticipated by the beginning of calendar year 1984. Second, accident reporting practices will be reviewed for regulations compliance during audits on larger carriers who have not reported accidents in the last several years. *H-81-3:* During fiscal year 1983, the BMCS plans to conduct approximately 40,000 roadside heavy commercial vehicle/driver examinations from approximately 300 sites in the U.S. *H-81-4:* Completed Safety Effectiveness Evaluation Report which includes safety audit data sampled from approximately 225 medium-sized motor carriers. Encourages and assists all States in developing legislation which adopts the FHMR. Provides State personnel with training on these regulations. *H-81-5:* Concerning the Management Information System, the driver/vehicle inspection form has been revised, the motor carrier accident report form MCS-50 is being revised, and a new computer software package to speed up on-line data entry and return for the basic census system has been implemented. *H-81-6:* The BMCS has developed the capability to identify motor carrier candidates for safety management audits based on National Program Emphasis Areas, Regional Program Emphasis Areas, excessive violation or accident rates, and failure to file accident reports when it can be reasonably expected that a given carrier may have experienced a reportable accident within a given period of time. Lists of carriers meeting the selection criteria were furnished to the FHWA motor carrier safety field staff in September/October 1982. *H-81-7:* Is developing a course to instruct investigators in the development of enforcement case reports and evidence-gathering procedures. *H-81-8:* General guidelines for use when assessing penalties for violations of the FMCSR were sent to Regional Counsels on Feb. 9, 1982. *H-81-9:* Guidelines concerning documentation of assessment mitigation and settlement were sent to Regional Counsels on Feb. 9, 1982.

State of Nebraska: Mar. 1: H-82-18: Acknowledge receipt of recommendation concerning raising the minimum legal drinking age at 21.

State of Alaska: Mar. 1: H-82-18: Several bills have been introduced in the Alaska legislative to raise the minimum legal drinking age. The governor will support one if there is a 3-year "phase in" period.

State of Georgia: Mar. 2: H-82-18: Legislation to raise the drinking age from 19 to 21 has passed the Senate and is now in a House of Representatives committee.

American Personnel and Guidance Association: Mar. 2: H-83-5 and 6: Will discuss the subject of transportation of student groups with the American College Personnel Association.

Pipeline—United Gas Pipe Line Company: Jan. 18: P-76-78: Damaged pipelines near Cartwright, Louisiana, was replaced and reinforced concrete pipe protectors were installed where Griffin Road crosses the 20- and 24-inch pipelines. *P-76-79:* Believes that all of its pipelines facilities are in compliance with all governmental regulations. Has increased protection at several road

crossings by pouring reinforced concrete slabs over pipelines in the ditchline. Performs all work involving its pipelines facilities and keeps a company representative on site during construction to assure the integrity of the facilities. Makes every effort to be aware of any maintenance of the crossing which involves the use of heavy equipment, and has a representative present while such work is being done. *P-76-80:* Has attempted to educate landowners, construction industries, utility companies and local, county and State agencies as to the danger of excavating on a pipelines right-of-way. Has permanently marked all points where public roads cross pipelines.

City of Cordele, Georgia: Jan. 21: P-80-39: Gas Department mobile units have a complete set of maps showing entire gas system network. Supervisor's office has an enlarged map. *P-80-41:* A new odorization injection system was purchased and installed.

Gas Research Institute: Jan. 26: P-74-43 through -46: Has investigated the propensities of gas odorants to be adsorbed by various clays and to react with pipe wall materials. Dynamic laboratory methods were developed for testing both soil/odorant and pipe/odorant interactions. Has begun research to determine the "appropriate" level for odorization and to develop improved odorant concentration measuring instruments.

American Gas Association: Feb. 1: P-79-29: Agrees that all efforts made by gas companies in their liaison with fire and police departments work to the benefit of the entire gas industry. *P-81-38 and -39:* Has made an extensive study of excess flow valves (EFVs) and concludes that mandatory use of EFVs would result in significant problems for the gas industry, without a concomitant increase in public safety. Does not believe that a regulation is necessary because many companies are now determining whether, and in what circumstances, EFVs can be helpful in preventing the type of incident which occurred at Standardsville, Virginia. *P-79-1:* Forwarded copies of the NTSB recommendation to member companies for their information. *P-80-14:* Suggested word changes in recommendation concerning company review of operating practices regarding proper installation and support of plastic mains and services. *P-80-44:* The new 49 CFR 192.614, "Damage Prevention Programs" addresses utility company responsibilities with respect to potential excavation damage. *P-80-45:* The Materials Transportation Bureau is withdrawing a notice of proposed rulemaking because its study concluded that existing regulations concerning maps and records are adequate. *P-80-51:* Two AGA letters of Apr. 1, 1982, to NTSB provide AGA position of excess flow valves. *P-80-53:* Title 49 CFR 192.615, "Emergency Plans" adequately covers liaison with local emergency response agencies. Training and equipping these agencies for the control of gas distribution pipeline failures in systems where qualified employees cannot respond rapidly, as recommended, would be applicable only in an extremely remote area.

American Public Works Association: Feb. 10: P-83-5: Has sent a copy of the recommendation concerning the pipeline accident in Portales, New Mexico, on Jun. 28, 1982, to each member of the Utility Location and Coordination Council's Executive Committee for review and comment.

Municipal Utility Board, Pryor, Oklahoma: Feb. 28: P-83-6 and -7: At the request of the customer, the MUB is advising and assisting at no charge to check or locate leaks in gas plumbing. Customer awareness of the dangers of gas leaks has been increased through media coverage.

City of Centralia, Missouri: Mar. 7: P-82-38 and -39: Complies with Missouri State Statutes dealing with excavations of public rights-of-way; particularly Chapter 319 which requires that anyone excavating in a public right-of-way notify utilities and request their assistance in locating underground lines. Taking steps in-house to work out procedures to govern future conduct of equipment operators involved in excavating.

Railroad—American Trucking Associations, Inc.: Mar. 4: R-83-12: Will publicize those aspects of the Southern Pacific Freight train accident at Thermal, California, on Jan. 7, 1982, that were motor carrier related. Will continue to urge motor carriers engaged in all types of hazardous material operations to improve their monitoring and enforcement efforts. **R-83-13:** If the MTB, FHWA, or the rail-interest groups have recommendations for a "model plan" that goes beyond the ATA program, ATA will give them serious consideration.

National Railroad Passenger Corporation (Amtrak): Mar. 8: R-81-67: Amtrak and the Illinois Central Gulf Railroad have an ongoing coordinated program to monitor locomotive speed and event recorder tapes and engine crew performance for Amtrak trains operating between Chicago, Illinois, and St. Louis, Missouri. Physical inspections of train handling by qualified ICG operating officers continue to be performed.

Intermodal—U.S. Department of Transportation: Jan. 31: I-81-13: In response to the recommendation concerning hazardous materials transportation safety, DOT will require a safety analysis in cases where the request for exemption from regulations is not a minor variation, where the applicant does not provide data regarding technical equivalency, or where equal safety performance cannot be demonstrated. **I-81-14:** Quantity and form consideration are explicitly addressed in the hazardous materials regulations in 49 CFR Parts 171 through 179. DOT safety program includes inspection, enforcement, training, and technical assistance. **I-81-15 and -16:** The MTB has an ongoing process for reviewing existing regulations and eliminating those which are deemed to be of marginal safety effectiveness. DOT is unsure of what improvement in the protection of public safety would result from the imposition of a parallel program whose objectives would be very similar to those already being pursued by MTB.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington,

D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page (\$2 minimum charge).

Dated: March 31, 1983.

H. Ray Smith, Jr.,
Federal Register Liaison Officer.

[FR Doc. 83-8779 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-58-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Establishment; Fish Propagation Panel

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of establishment of Fish Propagation Panel.

SUMMARY: On March 14, 1983 in a public meeting in Coeur d'Alene, Idaho, the Northwest Power Planning Council established a Fish Propagation Panel as an advisory committee to the Council. This notice describes the Panel, provides information on how to obtain notices of Panel meetings, and explains how to request copies of the Panel's advisory committee charter.

ADDRESSES: Individuals and entities wishing to receive notices of Fish Propagation Panel meetings or copies of the Fish Propagation Panel's advisory committee charter should contact Janie Percy by writing her at the Council's central office, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, 97205, or by calling her at (toll free) 1-800-222-3355, from Montana, Idaho, Washington and California; (toll free) 1-800-452-2324 in Oregon; or (503) 222-5161, from other states. The charter also is available for inspection and copying in the public reading room of the Council's central office, Suite 200, 700 Southwest Taylor Street, Portland, Oregon, on weekdays between 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Curt Marshall, Fish and Wildlife Program Manager at (toll free) 1-800-222-3355 from Montana, Idaho, Washington, and California; (toll free) 1-800-452-2324 in Oregon; or (503) 222-5161, from other states.

SUPPLEMENTARY INFORMATION: On November 15, 1982, the Northwest Power Planning Council ("Council") adopted a Columbia River Basin Fish and Wildlife Program ("Program"), as required by the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 95-501, 16 U.S.C. 839 *et seq.* ("Act"). In Section

740(a) of the Program, the Council stated that it would establish a Fish Propagation Panel composed of individuals with recognized experience and expertise in wild, natural, and hatchery propagation of fish and related fields to advise the Council on opportunities for coordinating and improving fish propagation, throughout the Basin, as described in Section 704 of the Program. The Act authorizes the Council to establish such an advisory committee at Section 4(c)(12), 16 U.S.C. 839b(c)(12). Under Section 4(a)(4) of the Act, the terms of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4, apply "to the extent appropriate" to the Council's advisory committees. 16 U.S.C. 839b(a)(4).

The Council establish the Fish Propagation Panel, named Panel members and selected a Panel chairman in a public meeting on March 14, 1983, in Coeur d'Alene, Idaho. It adopted a charter for the Panel in a public meeting on March 31, 1983 in Portland, Oregon. The charter describes the objectives and activities of the Panel, its authority, and related matters. It also contains rules for Panel procedures on meeting notices, public participation, minutes, records, conflicts of interest, and reimbursement of certain Panel member expenses. Requests for copies of the charter or meeting notices and for additional information may be made as provided above in this notice.

Edward Sheets,
Executive Director.

[FR Doc. 83-8135 Filed 4-6-83; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19646; File No. SR-MSTC-83-2]

Self-Regulatory Organizations; Proposed Rule Change By; Midwest Securities Trust Company; Relating to Rules and Procedures Which Provide for Deposit and Withdrawal of Bearer Securities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 8, 1983, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of the rules and procedures found in Exhibit A in the Commission's file. They provide for the deposit and withdrawal of bearer securities at the Midwest Securities Trust Company (MSTC).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The test of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to MSTC Rule 2, Section 2, MSTC has determined that certain issues of bearer securities are eligible for deposit with MSTC. The purpose of the proposed rule change is to adopt rules and procedures which would specifically apply to the deposit and withdrawal of bearer securities, primarily securities issued by state and local government ("municipal bonds"), at MSTC. The proposed rules are limited to conforming and technical changes to MSTC rules to implement the addition of certain issues of bearer securities as eligible securities. In addition, the procedures set forth as Exhibit A in the Commission's file are the procedures used in the bearer securities program which will apply exclusively to bearer securities. These procedures will be expanded in successive phases. Unless superceded by the rules and procedures developed specifically for bearer securities, all current MSTC By-Laws, Rules, Procedures, Agreements, Interpretations, etc. will apply to bearer securities made eligible at MSTC and to Participants depositing bearer securities. At present, MSTC utilizes the facilities of custodian banks to hold physically the bearer securities and will not hold such securities in MSTC's depository facilities.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the

rules and regulations thereunder applicable to MSTC because the proposed rule change will encourage immobilization of bearer securities. The proposed rule change is consistent with MSTC's responsibilities to safeguard securities and funds in its custody or control or for which it is responsible since MSTC's safeguards for securities, including its insurance program, physical security systems and internal and external auditing procedures will apply to bearer securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 1, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-91-23 Filed 4-1-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2078, Amdt. No. 3]

California; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8167), Amendment #1 (48 FR 9610) and Amendment #2 (48 FR 12811) are amended to include the Counties of Shasta and Yolo which are adjacent to the previously declared disaster area in the State of California as a result of damage caused by severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 16, 1983.

James C. Sanders,
Administrator.

[FR Doc. 83-9126 Filed 4-2-83; 8:45 am]

BILLING CODE 8025-01-M

Ohio; Region V, Advisory Council Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Columbus, Ohio, will hold a public meeting at 9:30 a.m., Monday, May 9, 1983, at the U.S. Courthouse, 85 Marconi Boulevard, Conference Room 426 (fourth floor), to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Frank D. Ray, District Director, U.S. Small Business Administration, 85

Marconi Boulevard, fifth floor,
Columbus, Ohio 43215—(614) 469-7310.

Dated: April 1, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-9127 Filed 4-6-83; 8:45 am]

BILLING CODE 8025-01-M

West Virginia; Region III—Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 9:00 a.m., Thursday, May 5, 1983, at the Marriott Inn, 309 Lee Street, East, Charleston, West Virginia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Marvin P. Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, Clarksburg, West Virginia 26302-1608—(304) 622-6601.

Dated: April 1, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-9128 4-6-83; 8:45 am]

BILLING CODE 8025-01-M

Privacy Act of 1974; Proposed Revision of System of Records

AGENCY: Small Business Administration.

ACTION: Notice of proposed revision of system of records.

SUMMARY: Pursuant to Section 3 of the Privacy Act, 5 U.S.C. 552a(e)(4), SBA herein: (1) Updates the description of records system SBA 135, Employee Counseling Program, in order to include the fact that the system is held by SBA Central Office, Regional Offices, District Offices and Branch Offices; (2) gives notice that the categories of individuals covered by the system changes to employees who have been referred to or requested the services of the Employee Counseling Program; (3) deletes from categories of records health benefit, compensation or disability processing assistance; (4) gives notice of change to routine uses, users, and purposes of uses to include disclosure to medical personnel to the extent necessary to meet a bona fide medical emergency, to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, and if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause.

DATE: Comments regarding the proposed revision must be received on or before May 9, 1983.

FOR FURTHER INFORMATION CONTACT:

Sue Miller, Small Business Administration, Room 300, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION:

Appendix A, referred to in the systems notice, is as previously published.

James C. Sanders,

Administrator.

SBA 135

SYSTEM NAME:

Employee Counseling Program—SBA 135.

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have been referred to or requested the services of the Employee Counseling Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case history documentation relative to problems such as alcohol abuse, drug abuse, or personal, emotional, financial, marital, family, or legal problems. Counseling data. Referrals for assistance. Names of employees designated as Employee Counseling Program Counselors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 3301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The content of records may be disclosed to medical personnel to the extent necessary to meet a bona fide medical emergency; to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation; and if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor.

STORAGE:

Records are stored in locked file cabinets.

RETRIEVABILITY:

Records are indexed either by the name of the counselor or the employee being counseled.

SAFEGUARDS:

Records are released to authorized personnel only, on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Administrators, District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Administrator for Regional Office records; District Director for District Office records, and Branch Manager for Branch Office records. The addresses of these officers are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Administrator, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SBA employees and their supervisors.

[FR Doc. 83-9147 Filed 4-6-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-018]

Houston/Galveston Navigation Safety Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of the third meeting of the Houston/Galveston Navigation Safety Advisory Committee. The meeting will be held on Thursday, April 28, 1983 in

the Randall Room at the Rosenberg Library, 2310 Sealy, Galveston, Texas. The meeting is scheduled to begin at 9 a.m. and end at 4 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Discussion of recommendations made to Committee sponsor at last meeting.
3. Reports of Subcommittees.
 - A. Houston/Galveston Vessel Traffic Service.
 - B. Aids to Navigation.
 - C. Inshore Waterway Management.
 - D. Offshore Waterway Management.
 - E. Environmental.
4. Discussion of Subcommittee Reports.
5. Presentation of any additional new items for consideration to the Committee.
6. Adjournment.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Advisory Committee at any time.

Additional information may be obtained from Commander W. A. Monson, Executive Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (mps), Room 1341, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA, 70130, telephone number (504) 589-6901.

Dated: March 30, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief,
Office of Boating, Public and Consumer
Affairs.

[FR Doc. 83-9131 Filed 4-6-83; 8:45 am]
BILLING CODE 4910-14-M

[CGD 83-017]

National Boating Safety Advisory Council; Membership Applications

AGENCY: Coast Guard.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the National Boating Safety Advisory Council (NBSAC). This Council advises the Secretary of Transportation on rulemaking matters related to recreational boating.

Seven members will be appointed as follows: Three (3) members from the recreational boating industry; two (2) members from the State Boating

Administrators; and two (2) members from boating organizations and the public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The Council normally meets twice each year, once in the Washington, D.C. area, and once at another location selected by the Coast Guard.

DATE: Requests for applications should be received no later than June 14, 1983.

ADDRESS: Persons interested in applying should write to Commandant (G-BBS), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:
Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council (G-BBS), Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593; (202) 426-1531.

Dated: March 30, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief,
Office of Boating, Public and Consumer
Affairs.

[FR Doc. 83-9132 Filed 4-6-83; 8:45 am]
BILLING CODE 4910-14-M

[CGD-016]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 17 and 18, 1983 at the Holiday Inn, 210 Holiday Court, Annapolis, Maryland, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council members.
2. Review of action taken at the 30th meeting of the Council.
3. Members' items.
4. Executive Director's report.
5. Compliance Testing Subcommittee report.
6. Notifications and Recalls Subcommittee report.
7. Accident Investigation Subcommittee report.
8. Hybrid Life Preservers Subcommittee report.
9. Ventilation Requirements Subcommittee report.
10. Update on regulations.

11. Report on Visual Distress Signals.
12. Report on Coast Guard Search and Rescue.
13. Presentation on Alcohol and Boating.
14. Briefing on the proposed change of minimum size requirements for Diver's Flag.
15. Report on uniformity of Boat Registration data.
16. Report on the Financial Grant Program.
17. VHF Radios and Bridge Tenders update.
18. Reply to members' items.
19. Chief, Office of Boating, Public, and Consumer Affairs, Remarks.
20. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, D.C., 20593, or by calling (202) 426-1060.

Dated: March 31, 1983.

V. W. Driggers,
Captain, U.S. Coast Guard, Acting Chief,
Office of Boating, Public and Consumer
Affairs.

[FR Doc. 83-9133 Filed 4-6-83; 8:45 am]
BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DEPARTMENT OF TREASURY

Internal Revenue Service

[FHWA Docket No. 83-8]

Alternative Heavy Truck Use Tax Study; Study Approach; Public Meeting and Opening of Docket

AGENCIES: Federal Highway Administration (FHWA), DOT; Internal Revenue Service, Department of Treasury.

ACTION: Notice of public meeting; request for comments.

SUMMARY: Section 513(g) of the Surface Transportation Assistance Act of 1982 (STAA of 1982) directs the Department of Transportation, in consultation with the Department of Treasury, to conduct a study of alternatives to the heavy truck use tax. The purpose of this notice

is to outline the study approach, announce a public meeting, and open a public docket.

DATES: The meeting will be held from 9 a.m. to 4 p.m. on April 27, 1983, in Washington, D.C. Docket comments must be received on or before September 30, 1983.

ADDRESSES: The meeting will be held in Room 2230 of the Department of Transportation's Headquarters Building (Nassif), 400 Seventh Street, SW., Washington, D.C. Submit written comments, preferably in triplicate, to FHWA Docket no. 83-8, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. to 4:30 p.m. ET, Monday through Friday.

Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: In FHWA: Mr. James R. Link, Chief, Operations Analysis Branch, (202) 426-0570; or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0761, 400 Seventh Street, SW., Washington, D.C. In the Department of Treasury: Mr. Eric J. Toder, Office of Tax Analysis, (202) 566-2892, 15th and Pennsylvania Ave., NW., Room 4205, Washington, D.C. 20220; or Mr. Milton Wells, Legislative Analysis Division, Internal Revenue Service, (202) 566-3880, 1111 Constitution Ave., NW., Room 3231, Washington, D.C. 20224.

SUPPLEMENTARY INFORMATION:

Background

The requirement for a study of alternatives to the heavy truck use tax, as called for in Section 513(g) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2177), stems from a goal of the Administration and Congress to ensure that highway taxes be collected in a manner that is not only equitable to all users, but also within practical limits of administrative feasibility.

Section 513(g) directs the Department of Transportation in consultation with the Department of Treasury to study: (1) Alternatives to the heavy truck use tax; and (2) plans for improving the collection and enforcement of the tax and its alternatives. The section further stipulates that alternative taxes include those based either singly or in combination on: (1) Vehicle size or configuration; (2) vehicle weight, both registered and actual operating weight; and (3) distance traveled.

Plans for improving the collection and enforcement of the tax are to include, where practical, Federal and State cooperative activities. In meeting this requirement the Federal agencies must consult with State officials, motor carriers and other affected parties before making recommendations to Congress by January 1, 1985. However, to allow for congressional consideration of the alternatives before the effective date of the heavy truck use tax increases on July 1, 1984, the study completion date will be advanced to January 1, 1984. A preliminary report will be issued in the summer of 1983 outlining selected tax options.

Study Goals

The study will focus on evaluating alternatives to the heavy truck use tax as required in the STAA of 1982. In its present form, the tax is a nationally uniform user charge based on graduated vehicle weight. Payments are made in a lump-sum fashion, due on a quarterly or annual basis. Because the features of the tax may limit its effectiveness in collection highway cost responsibilities as determined through the *Federal Highway Cost Allocation Study* (HCAS), more precise tax methods need to be considered. In doing so, concerns about the present tax and its alternatives will be addressed. A copy of the study has been placed in the public docket for inspection. Copies of these documents are also available upon request from Mr. James R. Link at the address provided above.

The goal of equity is one the Federal Government seeks to embody in the highway tax structure and is a fundamental element of a stable user charge policy. Equity in a use tax means a close correspondence between cost responsibility and amount of tax imposed. As such, it will be a major factor in examining alternative tax methods. Because the tax in its present form does not directly vary with mileage traveled, the nature of payments are such that equity among users has been questioned. The tax does not fully capture the impact of heavy vehicle, high-mileage traffic on highway costs. Very low-mileage vehicles pay the same fee as high-mileage long-haul carriers. While more precise tax methods may alleviate these concerns, other objectives will be addressed in the determination of alternatives to the tax and the level of equity to be achieved. These include: Maintaining adequate highway revenue; administrative feasibility; compliance; and enforcement aspects. Avoidance of payment of highway use taxes by various users also can have a detrimental effect on the

yield and on the equity of the overall user fee structure. Practically then, equity must result from a range of often conflicting objectives in the selection of a tax mechanism. These factors contribute substantially to the need for a study of heavy truck use tax alternatives.

Study Scope

The main study effort will focus on evaluating tax options, either singly or in combination that may: (1) Reduce the inequities of the present heavy truck use tax while retaining equivalent total revenue; (2) increase payment convenience and flexibility, particularly for small truck operators; and (3) be administratively effective while encouraging a high degree of compliance. Collection and enforcement aspects of the tax alternatives will be examined to establish the feasibility of: (1) Continued collection and enforcement at the Federal level; (2) collection and/or enforcement by State governments during vehicle registration/State fuel tax administrative processes; and (3) a combination of the two.

A preliminary list of user fee options to be examined which can be applied singly or in combinations include, but are not limited to, the following:

1. Increase the weight threshold of the tax and/or change the tax rate;
2. Rebate a portion of the heavy truck use tax to low mileage vehicles;
3. Place a fee only on configurations responsible for the greatest damage;
4. Impose a weight/distance related fee, axle weight fee, or distance fee;
5. Impose a fuel surcharge; or
6. Raise diesel fuel fees.

Study Methodology

In conducting this study, the Department of Transportation in consultation with the Department of Treasury will review the recently enacted heavy truck use tax and the distribution of payments made by each vehicle class. Cost responsibilities as established by the *Highway Cost Allocation Study* will serve as a basis for evaluating other tax methods. The cost allocation methodology used to assign the cost responsibilities will not be evaluated.

Cost responsibilities and user payments will be examined for various vehicle configurations or logical groups of vehicles, taking into account both registered and operating weights, and distance traveled. Tax options will be assembled and evaluated based on equity considerations, administrative feasibility, compliance and enforcement aspects, and payment ease.

The study will focus upon determining those tax methods that will best satisfy the often conflicting considerations listed above, while retaining total highway revenues provided for in the STAA of 1982. Public comments on the heavy truck use tax will be solicited early in the study through a public meeting and an open docket. Special emphasis will be placed on obtaining accurate information on how different tax methods will affect the equitable assignment of tax responsibility. Upon completion of the evaluation process a narrowed set of tax options will be identified and a preliminary report will be issued in the summer of 1983. This report will outline the tax options that best satisfy the range of objectives.

To fully evaluate the remaining options, alternative strategies for improving tax administration will be developed. Such strategies will focus on refining collection and enforcement procedures to achieve greater compliance and administrative efficiency. Existing State vehicle registration and taxation procedures will be investigated to assure that strategies include, where feasible, cooperative Federal and State administrative activities that will facilitate collection and enforcement of the tax.

Public Meeting

A public meeting on this topic will be held on the date and location listed below:

April 27, 1983

Washington, D.C.

Location: Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590

Time: 9:00 a.m.-4:00 p.m. ET

Procedure: A one-day meeting will be conducted under the supervision of representatives from each of the two agencies. Should additional time be needed for oral summations, the meeting will be extended for one day. Attendance at the meeting will enable participants to present their written statements and make an oral summation for the record that should not exceed 10 minutes in duration. Statements should consider possible tax options and how they would resolve the issues of: equity among users; ease of payment; and administrative, enforcement and compliance concerns. Those wishing to speak should contact Mr. James R. Link at the address provided above in advance of the meeting to be placed on a roster. Oral presentations will be recorded and later transcribed. Written statements will be accepted by mail.

Issued: April 5, 1983.

R. A. Barnhart,

Administrator, Federal Highway Administration, U.S. Department of Transportation.

John E. Chapoton, Assistant Secretary for Tax Policy, U.S. Department of Treasury.

[FR Doc. 83-0195 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective June 15, 1981, Houston National Bank, Houston, Texas, changed its name to Republic Bank Houston, National Association.

Dated: March 31, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83-6885 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Public Proceeding Regarding Defect Investigation; Rear Axle Shafts of Certain 1978-80 Model Year Intermediate Size Vehicles Manufactured by General Motors Corporation

Pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (Pub. L. 93-492, 88 Stat. 1470; October 2, 1974), 15 U.S.C. 1412 (the Act), the Associate Administrator for Enforcement, National Highway Traffic Safety Administration (NHTSA), has made an initial determination that a safety-related defect exists in 1978-80 model year Chevrolet Malibu, Monte Carlo and El Camino, Pontiac LeMans and Grand Prix, Oldsmobile Cutlass and Cutlass Supreme, Buick Century and Regal, and GMC Caballero vehicles manufactured by General Motors Corporation (GM), and equipped with rear axle shafts with thin end buttons. This condition may result in disengagement or separation of the axle shaft and wheel assembly from the vehicle, which could result in loss of vehicle control, accidents, injuries, deaths, and property damage.

NHTSA will hold a public proceeding pursuant to section 152 of the Act at 10:00 a.m. on May 4, 1983, in Room 2230 of the Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C. 20590, at which time GM will be afforded an opportunity to present data, views and arguments

regarding the initial defect determination.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Joyce Tannahill, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5328, Washington, D.C. 20590 (telephone (202) 426-2850) before close of business on April 27, 1983.

The agency's investigative file in this matter, Case C82-03, is available for public inspection during regular working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.81)

Issued on: April 1, 1983.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 83-9049 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittal to OMB, February 28-March 22, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between February 28, 1983 and Mar. 22, 1983 to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice

for publication in the **Federal Register**, listing those information collection requests submitted to the Office of management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

- (1) A DOT control number.
- (2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.
- (3) The name of the DOT Operating Administration or Secretarial Office involved.
- (4) The title of the information collection request.
- (5) The form numbers used, if any.
- (6) The frequency of required responses.
- (7) The persons required to respond.
- (8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipated submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB between Feb. 28, 1983, and Mar. 22, 1983

- DOT No: 1971
OMB No: None
By: United States Coast Guard
Title: 33 CFR Part 157—Existing Vessels of 20,000 to 40,000 DWT Carrying Oil in Bulk
Forms: Reporting and Recordkeeping requirement, no forms
Frequency: On Occasion
Respondents: U.S. and Foreign Tank Vessel Owners, builders and operators
Need/Use: Plans for construction or modification of U.S. and Foreign vessels, or documentation to show compliance with legislated minimum standards
- DOT No: 2126
OMB No: None
By: United States Coast Guard
Title: Application for Certificate in Lieu of Discharge
Forms: SF-180
Frequency: On Occasion
Respondents: Individuals
Need/Use: Individuals who lose their original discharge papers may submit a request to the U.S. Coast Guard and receive a Certificate in Lieu of Discharge. The statutory authority for this activity is contained in 10 USC 1041
- DOT No: 2127
OMB No: None
By: Federal Highway Administration
Title: Study of DOT Transportation Training and Education Programs
Forms: None
Frequency: One time
Respondents: State or Local governments
Need/Use: To gather information from recipient organizations outside DOT on the Department's Education and Training Programs
- DOT No: 2128
OMB No: 2137-0009
By: Research and Special Programs Administration
Title: Applications to Add or Change Materials in the IM Table
Forms: None
Frequency: On Occasion
Respondents: Shippers of Hazardous Materials
Need/Use: The information is used as a basis to amend the IM Table by the RSPA's Materials Transportation Bureau and as a means for the public to request amendment of the IM Table
- DOT No: 2129
OMB No: 2137-0010
By: Research and Special Programs Administration
Title: Intermodal Portable Tanks-Hydrostatic Test and Visual Inspection Reports
Forms: None

Frequency: 5 and 2.5 years, respectively
Respondents: Owners of IM Portable Tanks

Need/Use: Recording of visual inspection and hydrostatic tests to assure that the tanks are safe for continued use in the transportation of hazardous materials

- DOT No: 2130
OMB No: 2115-0058
By: United States Coast Guard
Title: Declaration of Citizenship for Vessel Documentation and Ship Mortgage Purposes
Forms: MA-899
Frequency: On Occasion
Respondents: Owners, sellers and mortgage holders of vessels documented under U.S. laws
Need/Use: A citizen declaration as prescribed under sec. 40 of the Shipping Act of 1916, as amended (46 USC 838), is required when a bill of sale, mortgage, or conveyance of a vessel is presented for recording

- DOT No: 2131
OMB No: 2127-0009
By: National Highway Traffic Safety Administration
Title: Monthly Report of Motor Vehicle Traffic Fatalities
Forms: HS-251
Frequency: Monthly
Respondents: States
Need/Use: The report gives a compilation of national fatality totals involving motor vehicles

- DOT No: 2132
OMB No: 2127-0044
By: National Highway Traffic Safety Administration
Title: Names and Addresses of Motor Vehicle Purchasers
Forms: None
Frequency: On Occasion
Respondents: Motor Vehicle Manufacturers
Need/Use: 15 USC 1418 (b) requires manufacturers to record the name and address of the first purchaser of each motor vehicle sold in order to easily administer fixes and recalls

- DOT No: 2133
OMB No: 2127-0043
By: National Highway Traffic Safety Administration
Title: Vehicle Manufacturer Identification
Forms: None
Frequency: Annually
Respondents: All manufacturers of motor vehicles or equipment
Need/Use: To permit location and identification of manufacturers of motor vehicles or equipment in the event of necessity to contact them due

to defects in the manufacture of vehicles or equipment

• DOT No: 2134

OMB No: None

By: National Aeronautics Space Administration for the Federal Aviation Administration

Title: Community Response to Multiple Helicopter Noise Events

Forms: None

Frequency: One-time survey

Respondents: Individuals

Need/Use: The proposed survey is needed to assist in developing criteria for locations of heliports which consider noise exposure and the proximity of noise sensitive areas. The amelioration of such conflicts is considered essential to the long term economic health of the U.S. helicopter industry

• DOT No: 2135

• OMB No: 2132-0008

• By: Urban Mass Transportation Administration

• Title: Section 15 Reporting System (Accounting)

• Forms: UMTA 2710

• Frequency: Annually

• Respondents: State and Local Governments, businesses or others.

• Need/Use: Section 15 of the UMT Act of 1964 Mandates uniform system of accounting and records, and a reporting system for mass transit operators to enable the operators to compare performance and to assist local, state and Federal Government and general public in setting policy

• DOT No: 2136

• OMB No: 2120-0003

• By: Federal Aviation Administration

• Title: Malfunction or Defect Report

• Forms: FAA Form 8010-4

• Frequency: As Required

• Respondents: Air Taxi and Commercial Operators and Repair Stations

• Need/Use: Information is used to correct conditions adversely affecting continued airworthiness of aeronautical products. Also provides reliability data and airworthiness statistical data

• DOT No: 2137

• OMB No: 2115-0007

• By: United States Coast Guard

• Title: Application for Inspection of U.S. Vessel

• Forms: CG-3752

• Frequency: Annually, biennially, triennially

• Respondents: Owner/operators of U.S. merchant vessels

• Need/Use: The Application for Inspection (CG-3752), must be completed prior to the Coast Guard inspecting a vessel for certification.

The requirements are contained in 46 CFR 2.01-1. The application provides the Coast Guard with notification and basic information needed for planning and carrying out an inspection

Issued in Washington, D.C., on March 25, 1983.

Karen S. Lee,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-8785 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-62-m

Urban Mass Transportation Administration

Intent to Prepare an Environmental Impact Statement on Alternative Transit Improvements in the Saint Louis Region, Missouri and Illinois

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to prepare an environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the East-West Gateway Coordinating Council are undertaking the preparation of an Environmental Impact Statement (EIS) for alternative transit improvements in the East Saint Louis/Clayton/Lambert Airport corridor of the Saint Louis region. The EIS is being prepared in conformance with 40 CFR Part 1500, Council on Environmental Quality, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969 as amended; and 49 CFR Part 622, Federal Highway Administration and Urban Mass Transportation Administration, Environmental Impact and Related Procedures.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Donald, UMTA Region VII, 6301 Rockhill Road, Suite 100, Kansas City, Missouri 64131, telephone (816) 926-5053.

SUPPLEMENTARY INFORMATION:

Scoping Meeting

A public scoping meeting will be held on April 25, 1983 at 7:00 p.m., in the University City Public Library (6701 Delmar Avenue, University City, Missouri 63130) to help establish the purpose, scope, framework, and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and visual aids, as well as a plan for an active citizen involvement program, a projected work schedule, and an estimated budget. Members of the public and interested

Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be assessed, impacts to be analyzed, and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

Corridor Description

The East Saint Louis/Clayton/Lambert Airport corridor is a major travel corridor which includes the central business districts of Saint Louis and East Saint Louis, and radiates westward into the Missouri suburbs. The corridor is centered on Market Street, Forest Park Boulevard, and State Route 725. Its boundaries are approximately I-44 to the south, I-270 on the west and north, Florissant Avenue to the northeast, the Saint Louis downtown, and the urbanized areas within St. Clair County, Illinois.

Alternatives

Transportation alternatives proposed for consideration in the corridor are the following:

1. A no-build option, under which existing bus services would continue to operate;
2. A low-cost transportation system management approach that would add express-bus-on-freeway service from new park/ride lots in suburban areas;
3. A busway that would provide an exclusive or semi-exclusive right-of-way for selected bus routes in the corridor; and
4. A light rail transit facility that would be largely at-grade, typically within existing railroad rights-of-way.

Comments at the scoping meeting should focus on the appropriateness of these and other options for consideration in the study, not on individual preferences for a particular alternative as most desirable for implementation.

Probable Effects

Impacts proposed for analysis include changes in the natural environment (air quality, noise, water quality, aesthetics), changes in the social environment (land use, development, neighborhoods), impacts on parklands and historic sites, changes in transit service and patronage, associated changes in highway congestion, capital costs, operating and maintenance costs, and financial implications. Impacts will be identified both for the construction period and for the long term operation of the alternatives.

The proposed evaluation criteria include transportation, environmental, social, economic and financial measures

as required by current Federal (NEPA) and State environmental laws and current CEQ and UMTA guidelines. Mitigating measures will be explored for any adverse impacts that are identified.

Comments at the scoping meeting should focus on the completeness of the proposed sets of impacts and evaluation criteria. Other impacts or criteria judged relevant to local decisionmaking should be identified.

Issued: March 31, 1983.

Robert H. McManus,
Associate Administrator for Grants Management.

[FR Doc. 83-9128 Filed 4-6-83; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

Advisory Committee on Structural Safety of Veterans Administration Facilities; Meeting

The Veterans Administration gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442, of the Lafayette Building, 811 Vermont Avenue, NW, Washington, DC on April 29, 1983, at 10 a.m. The committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Richard D. McConnell, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202-389-2864) prior to April 22, 1983.

Dated: March 24, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.

[FR Doc. 83-9053 Filed 4-6-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 68

Thursday, April 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., April 7, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. New filing fee for exemptions from the merger approval requirement under section 408. (OGC, OC, BDA)
3. H.R. 67—A bill to prohibit government acquisition officers from accepting compensation from contractors for 2 years after leaving government employment. (OGC, OASO, OC)
4. Proposal to prohibit some foreign airlines from advertising and selling charter flights before they receive approval to perform those flights. (OGC, BIA)
5. Docket 40987, *Taino International Airways, Inc., Fitness Investigation*. (Memo 1779, OGC)
6. Docket 41163, *Newark-London Backup Case*, Opinion and Order. (Memo 1825-D, OGC)
7. Docket 39897, *Tiger International-Seaboard World Airlines, Inc., Acquisition Case*, *Petition of International Association of Machinists (IAM) to compel arbitration of LPP dispute*. (Memo 1766, OGC)
8. Employee Protection Program: Applications on Behalf of Employees of various carriers for determinations of qualifying dislocation: Docket 38885, Aeroamerica; Docket 38418, Airlift International; Docket 40201, Air New England; Docket 38570, American Airlines; Docket 38978, Braniff International Airways; Docket 38720, Continental Airlines; Docket 39700, Delta Air Lines; Docket 38586, Eastern Air Lines; Docket 39783, Mackey International Airlines; Docket 34562, Overseas National Airways; Docket 38883, Pan American World Airways; Docket 38184,

Trans World Air Lines; and Docket 38571, United Airlines. (Memo 501-F, BDA, OGC, OEA)

9. Dockets 40712, 40718, 40754, 40755, Agreements Among Members of the Air Traffic Conference of America amending the Scheduled Airlines Traffic Office (SATO) Agreement, CAB 19994, ATC Resolution 5.53; Agreements CAB 19994, 11574 [ATC Resolution 5.54], and 20010 [Resolution 5.58]. (SATO Agreements Show-Cause Proceeding). (Memo 1775, BDA, OGC)

10. Commuter carrier fitness determination of Michigan Airways, Inc. (Memo 1770, BDA)

11. Dockets EAS-565 and 37501, Request of Hazleton, Pennsylvania, for review of the essential air service determination established by Order 81-8-34. (Memo 012-J, BDA, OCCCCA)

12. Docket 39843, Notice of Hawaiian Airlines to suspend service at Kamehameha, Hawaii. (Memo 855-C, BDA, OCCCCA)

13. Docket 39182, Notice of intent of Republic Airlines to suspend service at Beloit/Janesville, Wisconsin. (Memo 326-E, BDA, OCCCCA)

14. Docket 41328, Application of Britt Airways, Inc., for compensation for losses at Sterling/Rock Falls, Illinois and motion to withhold information from public disclosure. (Memo 1776, BDA, OCCCCA, BCAA, OC)

15. Docket 38623, Agreement CAB 28972 R-1 through R-9, IATA agreement proposing minor revisions to the current Europe-South West Pacific passenger fare structure. (Memo 1772, BIA)

16. Docket 35634, Agreement CAB 28962 R-1 through R-4, Agreement CAB 28964, IATA agreements proposing minor cargo rate revisions to/from South East Asia and Zaire. (Memo 1773, BIA)

17. Docket 38623, Agreement CAB 28942, Agreement CAB 28959, IATA agreements proposing various minor passenger fare revisions. (Memo 1767, BIA)

18. Dockets 40185 and 40186, Joint Motion of Air Florida and Lineas Aereas Costarricenses, S.A. to dismiss their applications for prior approval of agreements and interlocking relationship pursuant to sections 408, 409, and 412 and for antitrust immunity pursuant to section 414, and to vacate Order 81-12-135. (Memo 965-D, BIA, OGC, BDA)

19. Dockets 41246 and 41247, Applications of Pan American World Airways, Inc. for amendment of its certificate of public convenience and necessity for Route 132 to serve Milan, Italy, and Switzerland, and for an exemption to serve NY-Milan, Italy and NY-Zurich, Switzerland. (BIA, OGC)

20. Dockets 41104 and 41161, Applications of Pan American World Airways, Inc., Eastern Air Lines, Inc. for certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended. (Memo 1782, BIA, OGC, BALJ)

21. Docket 41222, Application of United Air Carriers, Inc. d/b/a Overseas National

Airways under section 401 of the Federal Aviation Act of 1958, as amended, for issuance or amendment of a certificate of public convenience and necessity (United States-Lebanon-Qatar). (BIA, OGC, BALJ)

22. Docket 41299, Application of Arkia Israeli Airlines, Ltd., for a disclaimer of jurisdiction or exemption (Israel-Europe). (BIA, OGC)

23. Docket 40500, Petition of Conner Air Lines for review of staff actions granting Seagreen Air Transport Fifth Freedom charter authorizations. (Memo 1495-A, BIA, OGC)

24. Report on the United Kingdom. (BIA)

STATUS: 1-23 open, 24 closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-476-83 Filed 4-5-83; 9:27 am]

BILLING CODE 8320-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 4, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Issac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,658-NR—United States National Bank, San Diego, California

Case No. 45,667-L (Amended)—Newport Harbour National Bank, Newport Beach, California

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: April 4, 1983.

Federal Deposit Insurance Corporation.
 Hoyle L. Robinson,
Executive Secretary.
 [S-477-83 Filed 4-5-83; 12:09 pm]
 BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 4, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidation, or liquidating agent of those assets:

Case No. 45,665-L (Amended)—American City Bank, Los Angeles, California

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: April 4, 1983.

Federal Deposit Insurance Corporation.
 Hoyle L. Robinson,
Executive Secretary.
 [S-478-83 Filed 4-5-83; 12:09 pm]
 BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 12, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
 Compliance. Personnel. Litigation.
 Audits.
 * * *

DATE AND TIME: Thursday, April 14, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
 Correction and approval of minutes
 Draft AO 1983-7: Ann Lang Irvine,
 Consultant, on behalf of C. Thomas
 McMillen

Request for citizens for Larouche for stay of final repayment determination for pending appeal

Final repayment determination and statement of reasons for the Kennedy for President Committee

Addendum to the final audit report—
 Kennedy for President Committee
 Finance Committee report
 Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION:
 Mr. Fred Eiland, Information Telephone:
 202-523-4065.

[S-481-83 Filed 4-5-83; 12:26 pm]
 BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 4B, Page No. None at this time. Date Published: None at this time.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Wednesday, April 6, 1983 at 10 a.m.:

Amortization Methods for Loan Premiums and Deferred Income; State Concurrence in Use of Deferral Accounting
 Charters and Bylaws Available to Federal Associations and Savings Banks
 [No. 31, April 5, 1983]

[S-480-83 Filed 4-5-83; 12:26 pm]
 BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM (Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, April 13, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computers within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
 Assistant to the Board (202) 452-3204.

Dated: April 5, 1983.

James McAfee,
Associate Secretary of the Board.

[S-483-83 Filed 4-5-83; 3:40 pm]
 BILLING CODE 6210-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 11, 1983, at 450 5th Street, N.W., Washington, D.C.

Closed meetings will be held on Tuesday, April 12, 1983, at 10 a.m. and on Thursday, April 14, 1983 following the 2:30 p.m. open meeting. Open meetings will be held on Thursday, April 14, 1983, at 10 a.m. and 2:30 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the close meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 12, 1983, at 10 a.m., will be:

Settlement of administrative proceeding of an enforcement nature
 Litigation matter
 Settlement of injunctive action
 Institution of injunctive actions

The subject matter of the closed meeting scheduled for Thursday, April 14, 1983 following the 2:30 p.m. open meeting, will be:
 Post oral argument discussion

The subject matter of the open meeting scheduled for Thursday, April 14, 1983, at 10 a.m., will be:

1. Consideration of whether to issue a proposed release that would discuss the processing of tender offers and related secondary market transactions within the national clearance and settlement system, and that would publish for comment proposed Rule 17Ad-14 requiring registered transfer agents, when acting as tender agents for bidders, to establish with all qualified securities depositories holding the subject company's stock, specially designated accounts for purposes of receiving by book-entry the delivery of tendered securities by depository participants. For further information, please contact Thomas V. Sjoblom at (202) 272-7345.

2. Consideration of whether to propose for public comment certain amendments to Securities Exchange Act Rule 15c2-11, which regulates the publication and submission of over-the-counter quotations by brokers and dealers. The Commission will also consider whether to solicit comment on whether there is a continuing need for some or all of the Rule's provisions. For further information, please contact Kenneth B. Orenback at (202) 272-7391.

3. Consideration of whether to issue a rule proposal to prohibit the capitalization of internal costs of developing computer software for sale or lease to others by registrants that have not previously disclosed the adoption of such a practice. The proposed rules would also require registrants that have previously disclosed the adoption of such a practice to disclose the effect on net income of not expensing all such costs as incurred. For further information, please contact Robert K. Herdman at (202) 272-2130.

The subject matter of the open meeting scheduled for Thursday, April 14, 1983, at 2:30 p.m., will be:

Oral argument on an appeal by Raphael David Bloom from the initial decision of an administrative law judge. For further information, please contact Herbert V. Efron at (202) 272-7400.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

April 4, 1983.

[S-478-83 Filed 4-5-83; 12:09 pm]

BILLING CODE 8010-01-M

8

SECURITIES AND EXCHANGE COMMISSION
"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENT: 48 FR 12198,
March 23, 1983.

STATUS: Open meeting/closed.

PLACE: 450 5th Street NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 18, 1983.

CHANGES IN THE MEETING: Delete item/ additional meeting. The following item was not considered at an open meeting scheduled for Thursday, March 31, 1983, at 10 a.m.

Consideration of whether to issue a notice on an application filed by ML Venture Partners I, L.P. ("Partnership"), a limited partnership registered with the Commission as a business development company, and Merrill Lynch Venture Capital Co., L.P. ("Managing General Partner"), a registered investment adviser which serves as managing general partner of the Partnership, requesting an order pursuant to Section 206A of the Investment Advisers Act of 1940 exempting them from the provisions of Section 205(1) thereof to permit the Managing General Partner to receive, under certain circumstances, a performance fee on the basis of unrealized capital gains upon the Partnership's portfolio securities. For further information, please contact Brian Kaplowitz at (202) 272-2028.

The following item was considered at a closed meeting scheduled for Thursday, March 31, 1983, following the 10 a.m. open meeting:

Litigation matter

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272-2467.

April 4, 1983.

[S-475-83 Filed 4-5-83; 9:27 am]

BILLING CODE 8010-01-M

9

SYNTHETIC FUELS CORPORATION

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the dates and at the times and places

specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy and Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting session scheduled for April 13, 1983 pursuant to Article II, Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of said Policy.

MATTERS TO BE CONSIDERED:

Wednesday, April 13:

Remarks by Chairman
Approval of Minutes
Report of the President
Operations Report of Executive Vice President
Consideration of Competitive Solicitation Qualification Proposals for Oil Shale (closed)

Project Strength Reviews (closed)
Consideration of Projects Under Negotiation (closed)

Thursday, April 14:

Remarks by Chairman
Meeting With Advisory Committee to the Board of Directors
Amendment of System of Organization and By-laws to Establish New Officer Position and Redefine Officer Responsibility for Matters Involving External Relations
Officer Appointment and Compensation
Consideration of Standard Terms and Conditions for Competitive Solicitation for Oil Shale Projects

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: April 13, 1983 at 9 a.m. (e.s.t.).

PLACE: Room 503, 2121 K Street NW., Washington, D.C. 20586.

DATE AND TIME: April 14, 1983 at 9 a.m. (e.s.t.).

PLACE: The Four Seasons Hotel, 2800 Pennsylvania Avenue NW., Washington, D.C.

PERSON TO CONTACT FOR MORE

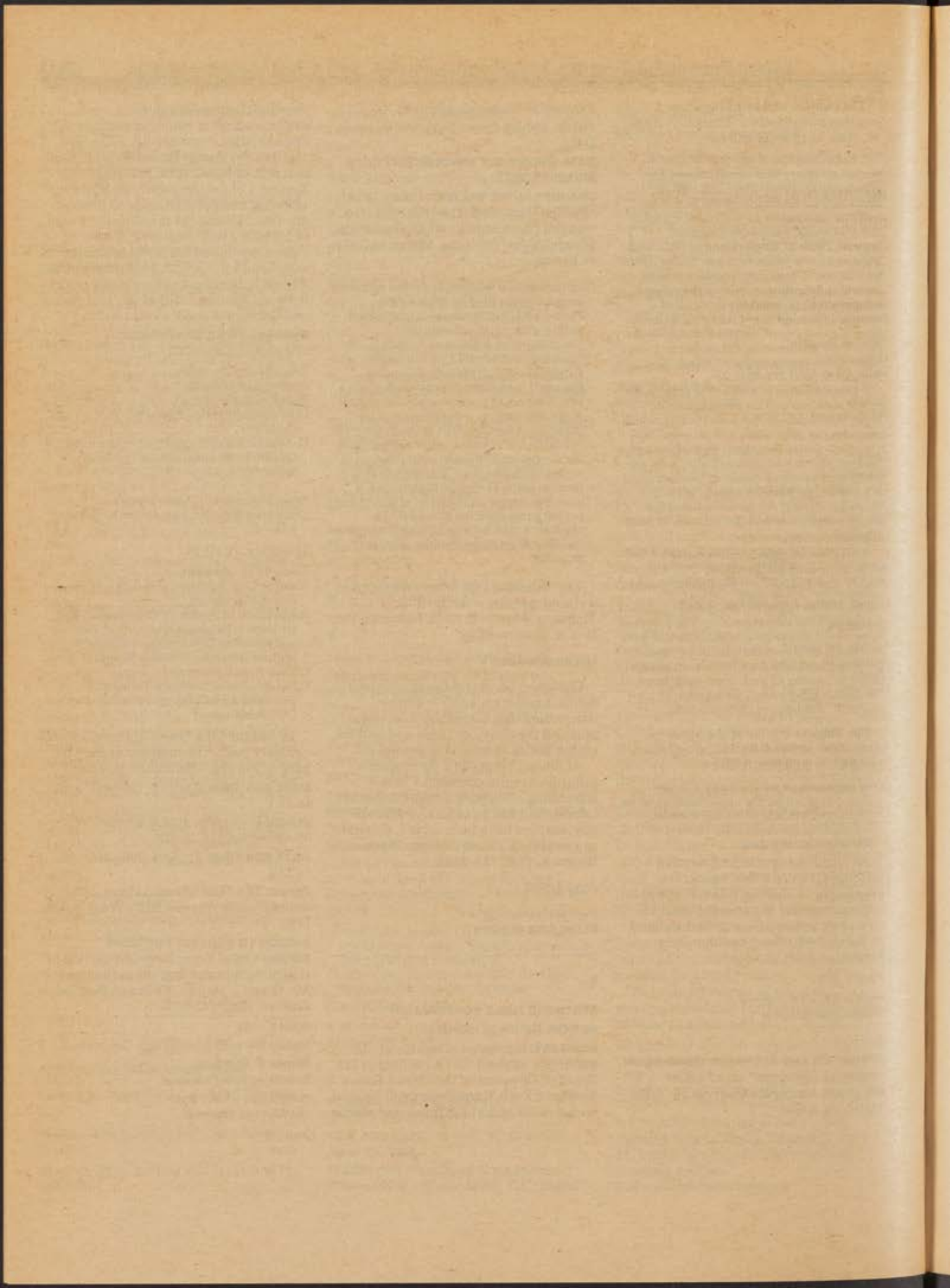
INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822-8338.

April 5, 1983.

United States Synthetic Fuels Corporation.
Jimmie R. Bowden,
Executive Vice President.

[S-482-83 Filed 4-7-83; 3:39 pm]

BILLING CODE 0000-00-M



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

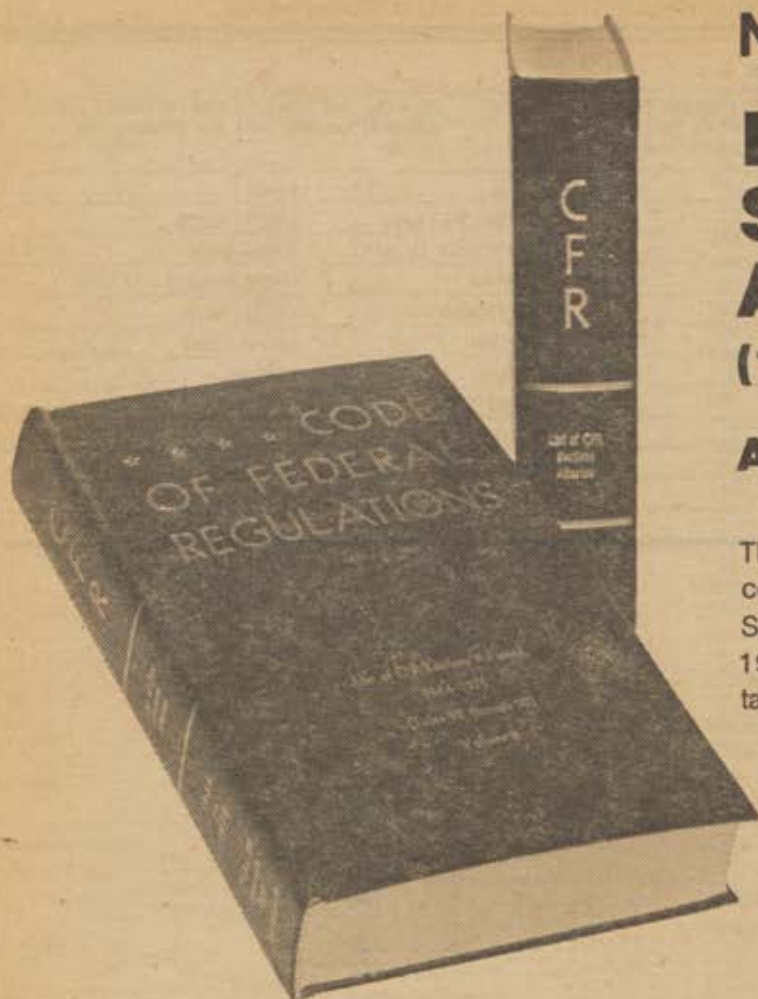
Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws**Last Listing April 4, 1983**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S.J. Res. 64/Pub. L. 98-15 To commemorate the two hundredth anniversary of the signing of the treaty of Amity and Commerce between Sweden and the United States. (Apr. 4, 1983; 97 Stat. 56) Price: \$1.75.

H.J. Res. 175/Pub. L. 98-16 To authorize and request the President to proclaim May 1983 as "National Amateur Baseball Month". (Apr. 4, 1983; 97 Stat. 57) Price: \$1.75.



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